

~~M - Minister Calhoun~~

Central files

~~1111~~

POL 29

DECLASSIFIED
Authority NND 67230
By BKT/NC on 2 May 2013

~~CONFIDENTIAL~~

February 24, 1965

MEMORANDUM FOR THE FILES

Subject: John van Altena

Von Winterfeld called this morning to say that he had received a telegram from Kaul to the effect that Kaul would be unable "for technical reasons" to comment today on the proposals which Von Winterfeld conveyed to him yesterday. Kaul indicated that he would be in touch with Von Winterfeld in Hannover, and Von Winterfeld said he was about to leave Berlin for home.

cc: M - Minister Calhoun
M - Mr. Hulick
POL - Mr. Day
POL - Mr. Heichler

GROUP 4
Downgraded at 3-year intervals.
Declassified after 12 years.

EAS:FJ*J*Meehan:em

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MEMORANDUM FOR THE RECORD

*Central file
POL 29 EAH
PR*

M file

SUBJECT: Lawyers' Exchange - John van Altena

FROM: PGL - Lucian Heichler

DATE: February 19, 1965

On February 18 I informed Herr Spangenberg that we had no objections to the documents as drafted by the Senat to authorize von Winterfeld to discuss this subject with Kaul. I said that we had received from our Allies the required informal assurances that the Allies would give their agreement to a formal Senat proposal to lift the ban on Kaul under the circumstances indicated.

I asked Spangenberg to keep us closely informed of developments with von Winterfeld. He assured me on this point and said that he expected to get in touch with von Winterfeld the next morning (February 19).

cc: M
EAS - Mr. Meehan
PGL - Mr. Day

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POL:LHeichler/dhc

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Authority NND 67230

By BKT/NC on 2 May 2013

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Central files POL 29
M - Minister Calhoun
~~CEH~~
M file

February 11, 1965

MEMORANDUM OF CONVERSATION

Participants: Senatsrat Korber
Francis J. Meehan

Place: Schoeneberg Rathaus

Date: February 11, 1965

Subject: John van Altena and Lawyers' Exchange

Korber mentioned at the outset that Mayor Albertz intended to raise van Altena with the Minister at their February 12 meeting.

Korber said he had read Winterfeld's letter of February 5 and talked since then with Vogel and Stange. Vogel had said again flatly that Kaul was not authorized to make any offers on the release of van Altena. Korber had the impression that Winterfeld was misrepresenting Kaul.

I said that we also had our doubts as to the accuracy of Winterfeld's reports. The fact was, however, that we now had in Winterfeld's February 5 letter another offer allegedly from Kaul to release van Altena. Since no other alternatives were forthcoming at the moment, we believed we should try to get to the bottom of it.

Korber said he believed that Winterfeld should be "put to the test." We should tell Winterfeld that if Kaul produced van Altena on a given day, the ban would be lifted. Korber went on to say that if, as he assumed would be the case, the whole thing fell through, he hoped that we would not then continue to stand in the way of the lawyers' exchange by refusing to lift the ban on Kaul.

I said that if Winterfeld were to be "put to the test," it would have to be done seriously. For one thing, the

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-2-

question of authorization for Winterfeld to negotiate would arise. Vogel and Stange maintained that Kaul should be pressed to produce written evidence of official authorization to negotiate in general on the lawyers and van Altena, and specifically to make the offers cited in Winterfeld's February 5 letter. This made sense, but Kaul could rightly ask under the circumstances for comparable authorization from Winterfeld. Would the Senat be prepared to provide such authorization?

I said that there was another aspect to "putting to the test" -- or presenting Kaul with an ultimatum, as Vogel and Mayor Albertz had expressed it previously -- which needed consideration. It seemed to me that if the deal were offered to Kaul that he could come back into West Berlin if he produced van Altena, without reference to the lawyers' exchange, the Senat's bargaining position in bringing about the exchange would be correspondingly weakened.

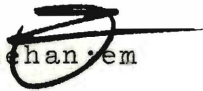
Korber said he thought it would be possible to take care of the last point by coupling the lawyers' exchange to the offer to lift the ban in return for van Altena. The ban would be lifted for a certain time -- two weeks or a month, say -- on van Altena's release, during which time the lawyers' exchange would be negotiated. If the negotiations were not completed in the time given, the ban would be reimposed.

I said this suggestion sounded interesting, but would the Senat be prepared to give Winterfeld authorization to negotiate with Kaul in this sense? Did Korber think that Mayor Albertz would be receptive to the idea?

Korber said he thought Albertz would. He would make a recommendation in this sense, he added.

I asked if Wendt had reverted to the lawyers' deal or van Altena since Korber raised them with him. Korber said Wendt had not.

cc: M - Minister Calhoun
M - Mr. Hulick
POL - Mr. Day

EAS:FJMe em

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POL 29
INFORMATION COPY

OPERATIONS MEMORANDUM

JAC
CELT
V.A. file

TO: US Mission Berlin

Date: January 20, 1965

FROM: Amconsul HAMBURG

SUBJECT: WELFARE-WHEREABOUTS: John van ALTENA

REF: Contel 4 to Berlin, Oct. 15, 1964; Berlintel 5, Oct. 16, 1964; Berlintel 7, Oct. 21, 1964, Contel 10 to Berlin, January 21, 1965

The Hamburg police have been requested by representatives of the press to release the story of John van Altena. The police have refused to do so without the permission of this Consulate General. Since the classified correspondence relating to Mr. van Altena was initiated by Berlin, this office would appreciate advice regarding its present status. The press told the police that the story was broadcast by AFN in October. If the Mission has no objection to the release of the Hamburg police record of this story to the press, please advise this office as soon as possible.

Further, this office has received numerous letters, employment records, and bills for Mr. van Altena which were forwarded to us by his former employers at Lufthansa. These are enclosed with this OM.

TO	ACT.	REFD	INFO
M			
ADM			
POL			
USIS			
ECON			
EA			
CON			
USCOP			
FILE		2	
ACTION:			
DATE :			
INT :			

Enclosures:

As Stated.

CONS: LPM:lin:GHHaselton/jk



GROUP 3
Downgraded at 12-year intervals,
not automatically declassified.

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POL 29
Central Files
MTT
file*Office Memorandum* • UNITED STATES GOVERNMENTCONFIDENTIAL

TO : M - Minister Calhoun

DATE: January 19, 1965

FROM : EAS - F. J. Meehan

SUBJECT: John van Altena: Briefing Paper for January 20 Deputies' Meeting

Kaul himself took the initiative in linking van Altena with the lawyers' exchange. We have various communications from von Winterfeld citing Kaul's offer to release van Altena in return for lifting the ban on his entry to West Berlin. To begin with, Kaul offered van Altena in return for our letting him use Tempelhof. Then he switched the terms to lifting the ban on his entry to West Berlin in general. Before Christmas he let it be known through von Winterfeld that we would get van Altena if von Winterfeld were authorized to tell him that the lawyers' exchange was approved in principle, even though it was not possible to say when it would actually come into force. When von Winterfeld conveyed such a statement, as authorized by Herr Spangenberg, Kaul described the statement as "completely worthless," and van Altena was put on trial. We then have a copy of a letter from Kaul to von Winterfeld (dated January 8, i.e., after van Altena's trial) complaining that the Western side has never made any concrete offers on the lawyers' exchange, and in particular has never taken up the offer on van Altena in relation to the exchange.

We have learned that Kaul may not have been authorized to make any offer to release van Altena, specifically to release him in relation to the lawyers' exchange. The fact of the matter is, however, that he did make such an offer and, as can be seen from his letter of January 8, was still talking in terms of such an offer after the trial. We have had no indication that Kaul has withdrawn the offer and, until he is disavowed, we must assume that he had authorization.

We believe, therefore, that the offer should be referred to in Herr Korber's discussion of the lawyers' exchange with Wendt, [not as a condition for the exchange from the Senat's viewpoint, and not as a topic for negotiation between Herr Korber and Wendt,] but as a factor, introduced by Kaul himself, in Allied consideration of the question of lifting the ban on Kaul.

It is quite conceivable that the East will deny that the offer was ever made, or else that they will disavow Kaul. I have already indicated that in our view the offer was made -- the January 8 letter is documentary evidence -- and is still valid. Should the East disavow Kaul on his offer, we would not be prepared to consider ~~the~~ lifting of the ban on him. We do not believe that the East should be permitted to get away with

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~~CONFIDENTIAL~~

-2-

disavowing him on the one hand, and building him into the lawyers' exchange on the other.

The important thing for the U.S. is to obtain van Altena's release. We are not committed to bringing about the release in any particular way, for example, through the lawyers' exchange. We would be interested in any other suggestions that the East might have to make. However, until we have a clear commitment on the release, including a date, we cannot see our way clear to consider lifting the ban on Kaul. It is true that the U.S. was previously prepared to lift the ban at the Senat's request. From our viewpoint, however, Kaul's role in the van Altena case -- which we did not seek -- has created an entirely new situation.

EAS:FJMeehan:eo

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Pol 29

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POL
USCOB
F&R-
dmy

Charge:

Classification

Control: 114

ACTION: SecState WASHINGTON 494

Date: 30 NOV. 1965
1830 HOURS

INFO: Amembassy BONN 410

LIMDIS

Limited Distribution

SUBJ: van Altena

REF: Berlintel 485 to Dept., 404 to Bonn

In a meeting with Mission officers November 29, Vogel discussed van Altena and Thompson somewhat differently than before in that he did not relate the cases so closely. He gave the impression that the East does not believe ~~that~~ there is much hope of making a deal in the foreseeable future for Thompson's release in exchange for the present U.S. prisoners in the GDR. The purpose of the approach to New, he indicated, is to maintain the personal relationship that developed in the Whitehill case with a view to laying the groundwork for some future action and any other similar cases that might arise. involving Thompson/ Vogel said ~~that~~ the East attaches importance to making its agents who have been imprisoned in the West aware of the fact that efforts are being undertaken in their behalf. This motivation had been at the back of his approaches on behalf of the Krogers in London and of an East German agent imprisoned in France. Similarly, he was now in correspondence with Thompson, and this was intended to reassure the latter that he was not forgotten.

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Control: 114

- 2 -

Date:

The Mission officers asked Vogel what then were the prospects for van Altena if the East did not really hope for a deal on Thompson soon. Vogel was not very encouraging in his response. He went over the familiar ground of the difficulties with which he has to contend because of Kaul's previous role in the case and the latter's continuing opposition to van Altena's release. He added that he intended to review the van Altena case with the East German Attorney General, Streit, in the course of this week, and said he would be in touch with us next week to report his findings.

In the light of Vogel's less precise treatment of the van Altena-Thompson relationship, the Mission officers spoke only in very general terms on the basis of the guidance contained in Deptel 282 to Berlin (1269 to Bonn). They said that it was difficult to ~~comment~~ ^{comment in Berlin} on what was clearly a very difficult complex ~~of factors~~ ^{of factors} and neither encouraged nor discouraged Vogel in his approach to New.

GP-3

CALHOUN

AUTH: FJMeehan

EAS:FJMeehan:lms

30 NOV 1416

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Poc 29

ACTION: DECLASSIFIED

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EAS-3 Authority NND 67230

INFO: By BKT/NC on 2 May 2013

Classification

Control: 242

MIN-3
POL-2
USCOB
P&R

Recd: 28 AUGUST, 1965
0855 HOURS

ROUTINE
FM SECSTATE WASHDC
TO RUFHJA/USMISSION BERLIN 115
INFO RUFHOL/AMEMBASSY BONN 514
STATE GRNC
BT

~~CONFIDENTIAL~~ AUGUST 27.
REF: BERLIN'S 186 TO DEPT; 150 TO BONN

SUBJ: JOHN VAN ALTENA

DEPT WISHES PROPOSE FOR CONSIDERATION OF MISSION POSSIBILITY THAT VOGEL COULD MAKE NEW APPROACH ON RELEASE OF VAN ALTENA WHEN WHITEHILL SAFELY OUT. VOGEL MIGHT STRESS AGAIN THAT VAN ALTENA, LIKE WHITEHILL AND THWAITES, COULD BE HELD "IGNORANT OF CONDITIONS IN BERLIN" AND WAS PROBABLY EXPLOITED BY OTHERS INVOLVED IN EXFILTRATION ATTEMPT. A TELLING POINT IN THIS REGARD IS FACT THAT VAN ALTENA EVEN YOUNGER AND MORE INEXPERIENCED THAN WHITEHILL.

IT MAY ALSO BE OF VALUE TO EMPHASIZE THAT VAN ALTENA COMES FROM FARM FAMILY OF MODEST MEANS. ANY OTHER APPEAL TO MAGNANIMITY OF EAST GERMAN AUTHORITIES (AS OPPOSED TO THEIR LEGAL INSTINCTS) COULD BE ADDED TO THE ARGUMENT.

IN ANY EVENT, DEPT ANTICIPATES EARLY AND ADVERSE REACTION FROM FAMILY WHEN NEWS OF WHITEHILL RELEASE BECOMES PUBLIC. THERE WILL PROBABLY ALSO BE INQUIRIES FROM OTHER SOURCES WHO WILL NOTE CONTRAST BETWEEN VAN ALTENA AND WHITEHILL CASES.

GP-4. RUSK

→ FM

ACTION TAKEN:	
<i>Reby Maffeo</i>	
<input type="checkbox"/>	NO ACTION REQUIRED
DATE	<i>Aug 30</i>
INITIALS	<i>[Signature]</i>

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10/3/ghl

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Classification

Charge:

Control: 125

Date: 30 AUGUST, 1965
1820 HOURS

EAS-2
MIN-3
POL-2
USCOB
F&R-2

ACTION: SecState WASHINGTON 199

INFO: Amembassy BONN 162

REF: Deptel 514 to Bonn, 115 to Berlin

SUBJ: John van Altena

As soon as it became likely last week that Whitehill would be released, it was clear to the Mission that there would be difficult repercussions in the van Altena case in terms of the Department's relations with the family and Congress. The Mission accordingly pressed Vogel immediately for a new approach on van Altena based on the factors mentioned in the reftel -- van Altena's youth, inexperience, unfamiliarity with Berlin conditions, and "exploitation."

Vogel saw the point, of course, but he was at the ^{same} time quite bearish about the prospects for early success. In the first place, he pointed out, there was clearly established premeditation in the van Altena case in the construction of an escape compartment in the car. Second, guilt was established beyond any doubt since the would-be escapees were discovered in the car. With Whitehill, on the other hand, the East would have had some difficulty in establishing a case. (When questioned closely by Mission officers after

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-2-

Date:

his release, Whitehill categorically denied that he had been knowingly involved in any escape attempt. He stated that he had never been approached by anyone to participate in an exfiltration scheme.) Third, van Altena had actually been sentenced.

Much more important than any of these factors, however, Vogel claimed, was the fact that the case had been grossly mishandled by Winterfeld from the beginning. Winterfeld had succeeded only in convincing the East by his high-powered (but dilettantish) approach that van Altena was a very valuable property who should not be given up except for good value. In addition, Kaul had become involved. Vogel said Kaul is using his influence with the East German state security apparatus to block a solution to the case now that the family has taken it out of his hands. Kaul's opposition could be overcome, Vogel conveyed, but it was definitely an important complicating factor at this stage.

Comment: The Mission realizes that the van Altena family is unlikely to derive much comfort from Vogel's reading of the case. (His views on Winterfeld and Kaul should not

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Control:

-3-

Date:

repeat not be communicated to the family.) However, Vogel has usually proven realistic in his assessment of cases, and we believe he has described the situation that we and the family have to live with. We hope to see Vogel again soon and will again urge the need for movement in the van Altena case.

GP-4.

CSH
HULICK

AUTH: FJMeehan

EAS:FJMeehan:eo
30 AUGUST 1630

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POL 29

ACTION:

EAS 3

INFO:

MIN 3

U COB

POL 2

F&R

FM SECSTATE WASHDC
TO RUFHOL/AMEMBASSY BONN 3394
RUFHJA/USBER BERLIN 924
STATE GRNC
BT
~~SECRET~~ MAY 7

Classification

Control: 129

Recd: MAY 8, 1965
0800 HOURS

DECLASSIFIED

Authority NND 67230

By BKT/NC on 2 May 2013

REF: A. BERLIN'S 1492, B. BONN'S 4237

SUBJ: JOHN VAN ALTENA

IN TELEPHONE CONVERSATION WITH MOTHER VAN ALTENA YESTERDAY, DEPT ADVISED HER THAT SOME LEGAL REPRESENTATION VIS--VIS EAST GERMAN AUTHORITIES PROBABLY NECESSARY ORDER EVENTUALLY SECURE JOHN'S RELEASE. DEPT SUGGESTED SHE MAY WISH WRITE ANOTHER LAWYER WE UNDERSTAND AVAILABLE PRESENT TIME AND WHO WELL-VERSED THIS TYPE LEGAL WORK. DEPT FURNISHED NAME AND ADDRESS OF VOGEL AND ADVISED MRS. VAN ALTENA, IF SHE IS INTERESTED IN EXPLORING POSSIBILITY OF RETAINING VOGEL'S SERVICES, SHE MIGHT WRITE DIRECTLY TO HIM. (DEPT DREW ON SUGGESTIONS CONTAINED IN PARA 2 AND PARA 4 REFTEL A). DEPT EMPHASIZED THAT WHATEVER ARRANGEMENT MADE WITH VOGEL WAS STRICTLY PRIVATE AND THAT DEPT COULD ASSUME NO RESPONSIBILITY OR OBLIGATION FOR RECOMMENDING HIM.

DEPT HAS NOT TOLD VAN ALTENA FAMILY ANYTHING ABOUT RANSOM DEAL AND DOES NOT INTEND TO DO SO. FAMILY HAS SIMPLY BEEN TOLD THAT LEGAT NEGOTIATIONS FOR JOHN'S RELEASE CURRENTLY IN PROGRESS.

GP-3 RUSK

ACTION TAKEN:

NO ACTION REQUIRED

DATE: 5/10

INITIALS: [Signature]

129 taf

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By BKT/NC on 2 May 2013

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Control: 377

ROUTINE

Recd: 22 APR. 1965
4:15 P.M.

ACTION:

EAS-3

INFO:

MIN-3

USCOB

POL-2

F&R

FM SECSTATE WASHDC
TO RUFHOL/AMEMBASSY BONN 3188
RUFHJA/USMISSION BERLIN 860
STATE GRMC
BT

~~SECRET~~ APR 22

SUBJ: JOHN VAN ALTENA

REF: A. BERLIN'S 1439
B. BONN'S 4052

ACTION TAKEN:
Cable written

NO ACTION REQUIRED

DATE 4/18

INITIALS [Signature]

AS RECOMMENDED LAST PARAGRAPH REFTEL A, DEPT HAS ADVISED VAN ALTENA FAMILY TO REQUEST STATUS REPORT FROM VON WINTERFELD WITH EYE TO TERMINATION DEALINGS WITH HIM. FAMILY HAS AGREED TO DO SO.

SINCE DEPT, LIKE MISSION, DOES NOT EXPECT ANYTHING FURTHER IN WAY OF CREDIBLE PLAN OR OFFER FROM KAUL, FAMILY CAN BE EXPECTED TO TERMINATE WITH BOTH KAUL AND VON WINTERFELD IN NEAR FUTURE. DEPT HAS SERIOUS RESERVATIONS, HOWEVER, ABOUT RECOMMENDING THAT FAMILY AGREE TO VOGEL TAKING OVER CASE. IN FIRST PLACE, RECOMMENDATION SPECIFIC LAWYER RUNS COUNTER TO DEPARTMENTAL POLICY AND REGULATIONS. MORE IMPORTANT IS CONSIDERATION THAT FAMILY HAS ALREADY EXPENDED LARGE SUMS OF MONEY ON FRUITLESS LEGAL PROCEEDINGS AND WOULD PROBABLY BE VERY RELUCTANT TO HIRE ANOTHER SET LAWYERS WHOM THEY COULD EXPECT WOULD BE EQUALLY EXPENSIVE AND NO MORE SUCCESSFUL. VERY MOST DEPT WILLING TO DO THIS INSTANCE

~~SECRET~~

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✓ WOULD BE ADVISE FAMILY THAT WE UNDERSTAND ANOTHER EXPERIENCED LAWYER AVAILABLE SHOULD THEY DESIRE FURTHER LEGAL SERVICE.

yes.
IN THIS CONNECTION, VAN ALTENA FAMILY CAN BE EXPECTED ASK DEPT (1) CAN ANY LAWYER DO ANYTHING TO HASTEN RELEASE JOHN VAN ALTENA?, (2) HOW MUCH WILL IT COST? (IS IT WORTH IT?), AND (3) WHETHER IT IS NECESSARY TO HAVE A LAWYER SIMPLY TO ARRANGE DELIVERIES OF FAMILY CORRESPONDENCE WITH JOHN. IN SHORT, FAMILY WILL WANT SOME REASONABLE ASSURANCE THAT FURTHER LEGAL ASSISTANCE WILL BE EFFECTIVE AND WORTH-WHILE.

IN ANTICIPATION REQUEST FOR ADVICE FROM VAN ALTENA FAMILY WHEN VON WINTERFELD RELATIONSHIP TERMINATED, DEPT WOULD LIKE COMMENT FROM EMBASSY AND MISSION AS FOLLOWS:

1. AT WHAT POINT ~~ALL~~ ALL, DOES EMBASSY BELIEVE IT WILL BE POSSIBLE TO INFORM FAMILY THAT JOHN INCLUDED AS RANSOM CANDIDATE?
- 75 2. IS IT NECESSARY FOR FAMILY TO RETAIN VOGEL AND STANGE, OR ANY OTHER LAWYER, IN ORDER TO ASSURE RELEASE UNDER RANSOM ARRANGEMENT?
- no 3. CAN ANY ARRANGEMENT BE MADE TO INSURE PERSONAL CONTACT WITH JOHN WITHOUT USING SERVICES OF LAWYERS (I.E., RED CROSS OR RELIGIOUS ORGANIZATIONS)?
- no 4. IS THERE ANY REASONABLE PROSPECT THAT VOGEL AND STANGE COULD EFFECT RELEASE JOHN BEFORE HE RELEASED UNDER RANSOM ARRANGEMENTS?

GP-3.
RUSK

NOTE: Distribution delayed due to servicing of original msg.

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ACTION EA3
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POL2
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ASG
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Authority NND 67230
By BKT/NC on 2 May 2013

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Control: 388

Recd: 24 APR. 1965
09:00 A.M.

ROUTINE

FM AMEMBASSY BONN
TO RUEHCR/SECSTATE WASHDC 4130
INFO RUFHJA/US MISSION BERLIN 1224
BT
SECRET APRIL 23RD

REF: BERLIN'S 1462 TO THE DEHT

SUBJ: JOHN VAN ALTENA

WE ASKED HARTKOPF IN BERLIN'S BONN REPRESENTATION OFFICE TODAY WHETHER HE COULD CONFIRM THAT VAN ALTENA IS INCLUDED ON THE LIST OF PERSONS IN EAST GERMANY TO BE RANSOMED BY THE FRG. HARTKOPF REPLIED THAT THERE WERE TWO SUCH LISTS AND THAT VAN ALTENA WAS ON BOTH. WHEN WE SAID THAT STANGE AND GOGEL SEEMED TO HAVE SOME QUESTION ON THIS, HARTKOPF SAID HE WOULD REVIEW THE MATTER WITH SECRETARY KRAUTWIG IN THE ALL-GERMAN AFFAIRS MINISTRY ON APR 27. HE PROMISED TO INFORM US OF THE OUTCOME APR 28. GP-3 HILLENBRAND

ACTION TAKEN:

NO ACTION
REQUIRED

IV/24
[Signature]

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Charge:

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Control: 251

MIN-3
POL-2
USCOB
F&R

Date: 22 April 1965
7:00 p.m.

ACTION: SecState WASHINGTON 1462
INFO: Amembassy BONN 1316
SUBJ: John van Altena
REF: (A) Berlintel 1439 to Dept., 1299 to Bonn
(B) Bonntel 4052 to Dept.

Developments in van Altena case since those reported
reftel^A/follow:

a) Mission received letter from von Winterfeld dated April 15 enclosing photocopy of letter from Kaul dated April 13. Kaul letter states that because of obligations in Prague and Warsaw lasting until April 30 he "has no possibility at all to pursue the authorization for the continuance of conversations which exceed the framework of purely a lawyer's activity." Mission presumes this somewhat opaque wording refers to Kaul-von Winterfeld conversations concerning van Altena release.

b) On April 22, Mission officer discussed case with Stange and Vogel. Latter confirmed that he willing to handle it. In slight change from procedure suggested reftel A, Stange now recommended that van Altena family give him

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Date:

written authorization and he in turn would authorize his renewed colleague Vogel. In connection/approach to FedRep Foreign Ministry (reftel B), Stange ~~less insistent than xxxxxxxx~~ ~~meeting (reftel A) that this xxxxxxxx~~ and Vogel continued to favor it, ~~xxxxxxx~~ arguing that they believed composition lists fluid. Vogel stated than van Altena's name not repeat not among those presented to him and Stange by FedRep authorities. Vogel said that once case in Stange-Vogel channel, he would try to arrange delivery family's letters to John. Vogel also asked whether family had applied to visit John. Mission officer ~~xxx~~ replied that he believed that family is not repeat not financially able to make trip to Europe.

Comment: Wording Kaul's April 13 letter reinforces Mission's view (reftel A) that Kaul-von Winterfeld channel does not look promising. ~~xxxxxxx~~ In accordance with Stange's suggested procedure, we recommend that family notify Mission that it wishes to authorize Stange (lawyer Juergen Stange, Schlueterstrasse 39, Berlin) to handle case.

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Date:

Mission would convey family's authorization to Stange.

GP-3.

HULICK

AUTH: FJMeehan

rgl
EAS:RGLivingston:eo
22 APRIL 1975

251/10/3/se

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1
Pol 29

DECLASSIFIED

Authority NND 67230

By BKT/NC on 2 May 2013

~~SECRET~~

Classification

Control: 308

Recd: 17 APRIL 1965
1350 HOURS

ACTION:
EAS-3
INFO:
MIN-3
POL-2
USCOB
P&R

FM AMEMBASSY BONN
TO RUEHCR/SECSTATE WASHDC 4052
INFO RUFHJA/USMISSION BERLIN 1201
BT
~~SECRET~~ 17 APR 1 PM

SUBJ: JOHN VAN ALTENA

REF: BERLIN'S 1439

1. THE EMBASSY CONCURS WITH BERLIN'S PROPOSAL THAT THE DEPT RECOMMEND THAT THE FAMILY AUTHORIZE VOGEL INSTEAD OF KAUL TO REPRESENT VAN ALTENA.

2. WE ARE PUZZLED BY STANGE'S REQUEST THAT THE EMBASSY AGAIN APPROACH THE FONOFF "AT HIGHEST LEVEL", TO INCLUDE VAN ALTENA UNDER THE RANSOM ARRANGEMENTS. WE HAVE ALREADY MADE SUCH APPROACHES IN BONN, AND HAVE BEEN GIVEN TO UNDERSTAND THAT HIS NAME HAS BEEN OR WILL BE INCLUDED. WE COULD, OF COURSE, REPEAT THE REQUEST IN CONNECTION WITH INFORMING THE FONOFF OR THE ALL-GERMAN AFFAIRS MINISTRY OF THE CHANGE IN LAWYERS.

BEFORE PROCEEDING ON THIS, WE WOULD LIKE TO KNOW WHETHER STANGE'S PROPOSAL ARISES FROM ANY INDICATION HE MAY HAVE RECEIVED THAT VAN ALTENA IS NOT BEING PROPOSED AS A RANSOM CANDIDATE, OR WHETHER IT MERELY REFLECTS UNAWARENESS THAT HE WILL BE SO PROPOSED.

GP-3 HILLENBRAND

ACTION TAKEN:
Will call Stange re paras 2+)

NO ACTION REQUIRED

DATE 4/20/65
 INITIALS WJ

~~SECRET~~

Classification

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TELEGRAMForeign Service of the
United States of America

10/3

OUTGOING

U.S. MISSION BERLIN

COPY NO. POL 29~~SECRET~~

FILE ROOM COPY

Charge:

Classification

Control: 218

ACTION: SecState WASHINGTON 1439

Date: April 14, 1965
1800 HOURS

INFO: Amembassy BONN 1299

SUBJ: John van Altena

REF: Ford/Livingston April 9 telecon

EAS 2
MIN 3
POL 2
USCOB
F&R 2

Following most recent developments van Altena case:

(a) Mission received letter from von Winterfeld dated April 6 enclosing photocopy letter dated April 3 from Kaul who states that "at this time" he unable to come through on tentative agreement made with von Winterfeld concerning van Altena. (This tentative agreement involved possible written authorization for Kaul by GDR authorities to make firm offer on van Altena.) Kaul adds he will continue to handle van Altena case. In his letter, von Winterfeld queried Mission as to what he should do next.

(b) On April 6, Mission officer discussed van Altena case with West Berlin lawyer Stange at latter's invitation. Stange stated that his East Berlin colleague Vogel now willing to take on van Altena case. (He had originally refused to handle it. Berlintel 563 to Dept, 501 to Bonn.) Stange "optimistic" that Vogel can arrange release. Added Senat ready to help. Made

218/taf

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Charge: SECRET
Classification Control: 218
- 2 - Date:

following requests: (1) van Altena family to terminate dealings with von Winterfeld-Kaul and authorize Vogel to handle case; (2) Embassy to make renewed "request" of ^{Fed Rep} ~~GDR~~ Foreign Office "at highest level" to have van Altena included ransom deals. In connection with (1), Stange said family need not authorize Vogel directly and that Mission could do so on their /behalf. He stressed importance of (2) several times.

Comment: In Mission view, von Winterfeld-Kaul channel has been given fair and lengthy trial and proven to be non-productive. Vogel-Stange channel has in past had some success in cases similar to van Altena's. Although there is of course no guarantee that it will be productive this time, Mission believes that it should now be tried out.

Senat will have to be informed soon that, as it expected, Kaul-von Winterfeld effort appears to have failed to obtain van Altena release but there is no rpt no need to do this just yet.

While making no commitments to Stange, we plan to explore informally with him the possibilities of arranging deliveries of family letters to John.

Action and Recommendations

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Charge:

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Control: 218

- 3 -

Date:

In answering von Winterfeld's April 6 letter, Mission plans simply to state that van Altena family, as his clients, must make decision on further instructions.

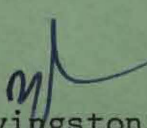
In reftelecon, Mission recommended that van Altena family request status report from von Winterfeld with an eye to termination dealings with him. If, as we expect, von Winterfeld's report contains no rpt no new, concrete and credible offer from Kaul, ~~GDRX~~, we recommend that family: (a) terminate with von Winterfeld; (b) notify Mission that it agrees to Vogel's handling the case,

~~GRXX~~ after which Mission would convey family's authorization to Vogel.

HULICK ^{CSH}

AUTH: RGLivingston 

GP-4


EAS:RGLivingston:lms
14 April 1221

~~SECRET~~

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By BKT/NC on 2 May 2013

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Classification

ACTION TAKEN:

266

FROM: BONN

Recd: February 20, 1965
1515 HOURS

NO: 934 - FEBRUARY 20 - 2PM

ACTION DEPT 3140 INFO BERLIN 934

SUBJ: JOHN VAN ALTENA

**NO ACTION
REQUIRED**

DATE

INITIALS

11/28
[Signature]

REF: BERLIN'S 1060 TO DEPT

ACTION:
EAS 3

INFO:
MIN 3
USCOB
POL 2
F&R

SENAT DIRECTOR HARTKOPF, DEPUTY TO BERLIN'S SENATOR FOR FEDERAL AFFAIRS, SCHUETZ, INFORMED US YESTERDAY THAT THE FRG HAD CONCURRED IN THE ARRANGEMENT REACHED BETWEEN MINISTER CALHOUN AND MAYOR ALBERTZ CONCERNING VAN ALTENA. HE SAID THE FEDERAL AUTHORITIES WERE CONCERNED, HOWEVER, THAT THE ARRANGEMENT, IF SUCCESSFUL, COULD RESULT IN PUBLICITY WHICH WOULD GIVE THE IMPRESSION THAT GERMAN AUTHORITIES HAD BEEN SUBJECT TO U.S. PRESSURE IN AGREEING TO EXCHANGE KAUL'S ENTRY TO WEST BERLIN FOR VAN ALTENA'S RELEASE. THE FRG FELT THAT THE CLOSE COORDINATION WOULD BE REQUIRED WITH AMERICAN AUTHORITIES SHOULD VAN ALTENA, KAUL OR BOTH SHOW UP IN WEST BERLIN.

HARTKOPF STRESSED THAT THE FRG HAS FOLLOWED THE POLICY OF DEALING WITH THE EAST GERMANS ON THE RELEASE OF PRISONERS ONLY ON A COLLECTIVE BASIS. IT HAS AVOIDED NEGOTIATIONS ON INDIVIDUALS. IN ACCORDANCE WITH THIS POLICY, IT HAD AGREED TO INCLUDE VAN ALTENA ON THE LIST OF POLITICAL PRISONERS FOR WHOM THE FRG WAS PREPARED TO PAY RANSOM. THE PROCEDURE TO BE FOLLOWED IN VAN ALTENA'S CASE BY THE SENAT MARKS A DEPARTURE FROM THIS POLICY AND IS ANOTHER REASON FOR FRG CONCERN.

WE PRESUME USBER WILL BE WORKING OUT A FRISS LINE WITH THE SENAT TO BE USED IN THE EVENT THE VON WINTERFELD TALKS SUCCEED OR LEAK. WE SHALL WISH TO KEEP THE FRG INFORMED BUT BELIEVE IT PREFERABLE FOR ANY PUBLIC ANNOUNCEMENTS TO BE MADE IN BERLIN AND TO AVOID FRG INVOLVEMENT TO THE EXTENT POSSIBLE.

GP-4.

MCGHEE

266/taf

POL 29 -
VAN ALTENA

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATE OF AMERICA
CROSS-REFERENCE SHEET

DOCUMENT FILE

NOTE

SEE POL 23-10 ALLIED VEHICLES FOR Mem con

FROM _____ (_____) DATED 25 Mar 65
TO _____ NAME _____

REGARDING: Vehicles incidents & Van Altena case

TELEGRAM

Foreign Service of the
United States of America

11/2

OUTGOING

US MISSION, BERLIN

FILE ROOM COPY

Pol 29

EAS 3
MIN 3
POL 2
USCOB
F&R 2

~~CONFIDENTIAL~~
Classification

Charge:

Control: 107

Date: February 19, 1965
1810 HOURS

ACTION: SecState WASHINGTON 1060
INFO : Amembassy BONN 940
REF : Deptel 2394 to Bonn, 666 to Berlin
SUBJ : John van Altena

In Feb 5 letter to Mission (last para reftel) von Winterfeld renewed offer from Kaul to release van Altena in return for lifting ban on Kaul's entry into West Berlin in connection with completion of lawyers' deal. Winterfeld reasserted that Kaul authorized to make such offer. Mission conveyed Winterfeld letter to Senat, and number of discussions between Mission and Senat at various levels (including meeting between Minister and Acting GovMayor Albertz) has followed. Parallel to discussions with Senat, Mission has also discussed van Altena case in meetings with Stange and Vogel.

Vogel has conveyed to Senat and Mission his belief, which, he claims, rests on unimpeachable sources, that Kaul is wholly without authorization to make offer conveyed by Winterfeld Feb 5. Senat shares Vogel's views.

In discussions with Mission, Senat representatives took stand that it was necessary to challenge Kaul to make good

107/taf

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Classification Control: 107
-2- Date:

on proposals conveyed by Winterfeld. Mission agreed, adding that it would, however, be necessary to make test seriously, giving Winterfeld adequate official authorization to proceed in negotiations with Kaul. Senat has agreed in turn with this proposed approach and has now informed us that they will contact Winterfeld today (Feb 19) with a view to conveying written authorization to him. Authorization specifies that Winterfeld is empowered by Senat to conduct negotiations on lawyers' deal through April 22, 1965, the "special circumstances" under which deal would be possible being spelled out in attachment. "Special circumstances" are(1) van Altena will be released by March 22,(2) ban on Kaul will be lifted simultaneously with van Altena release,(3) lawyers' deal will be completed by April 22, and(4) if deal not completed by April 22, ban on Kaul will be reimposed.

British and French Missions have agreed in connection with new approach on foregoing lines to authorize lifting of ban on Kaul when requested by Senat.

Comment: It is difficult to predict the outcome of new approach. As between two men, Winterfeld and Vogel, latter

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Control: 107

-3-

Date:

in Mission view has far greater grasp of realities of East German situation, and we would be inclined, like Senat, to take his views more seriously than those of Winterfeld. In any case, Senat action should clear way for more accurate reading of prospects in case. Cannot be excluded that Kaul will object to terms of "special circumstances" as set forth in Senat authorization to Winterfeld, and there may well be haggling on this point.

Senat has said frankly that it expects Winterfeld negotiations to break down at some stage because Kaul will be unable to come through on proposals. Senat has further made it clear that in this event they hope that we would no longer interpose objections to conclusion of lawyers' deal -- with Kaul included, but without provision for van Altena release -- through Vogel-Stange channels. While we have reserved our position on this point, we can expect considerable pressure from Senat if their expectations on Winterfeld-Kaul negotiations prove correct.

GP-4.

CALHOUN

AUTH: FJMeehan

EAS:FJMeehan:em
19/1800 FEBRUARY

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15/2

INCOMING

U.S. MISSION BERLIN

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ACTION:
EAS-3

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Authority NND 67230

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Classification

Pol - 29
Control: 245

INFO:
USCOB
M-3
POL-2
ECON
USIS
ASAG
IO/U
CONS
F&R

By BKT/NC on 2 May 2013

Recd: 19 FEB. 1965
08:30 A.M.

FROM: DEPARTMENT

NO: 666 - 18 FEB. 1965, 7:00 P.M.

ACTION BERLIN 666 BONN 2394 INFO HAMBURG 157

SUBJ: JOHN VAN ALTENA

REF: (A) DEPTEL 603 TO BERLIN; 2128 TO BONN; 134 TO HAMBURG
(B) BERLIN'S 998 TO DEPT; 883 TO BONN

DEPT OFFICER TRAVELLED TO WISCONSIN FEB 15 AND BRIEFED MR AND MRS VAN ALTENA BOTH ON CIRCUMSTANCES JOHN VAN ALTENA ARREST AND PRESENT STATUS OF CASE. PARTICULAR EFFORT WAS MADE TO CORRECT ANY SENSATIONAL MISINFORMATION ABOUT QTE A PLOT UNQTE OR QTE A FRAME-UP UNQTE AND TO COUNSEL AGAINST RESORT TO PUBLICITY IN EFFORT TO SECURE JOHN'S RELEASE. IN THIS CONNECTION FAMILY WAS FURNISHED WITH INFORMATION CONTAINED HAMBURG POLICE REPORT AS WELL AS TRANSLATION REPORTS SENT THEM BY WINTERFELD.

BOTH VAN ALTENA PARENTS WELL-EDUCATED AND SEEMED UNDERSTAND POLITICAL BACKGROUND THEIR SON'S ARREST. IN TALKING TO THEM DEPT OFFICER STRESSED FOLLOWING POINTS:

1) FAR FROM QTE SITTING ON ITS HANDS UNQTE, USG HAS EXERTED MORE PRESSURE TO OBTAIN RELAEASE VAN ALTENA THAN HAS BEEN EXERTED ON BEHALF ANY OTHER AMERICAN IMPRISONED BY EAST GERMANS. OUR EFFORTS WERE DESCRIBED IN DETAIL AND COMPARED GENERALLY WITH EFFORTS MADE IN PREVIOUS CASES. NOTHING THAT COULD HAVE BEEN DONE HAS BEEN LEFT UNDONE.

2) FAMILY MUST UNDERSTAND REASONS WHY CURRENT EFFORTS SOMETIMES APPEAR TO DRAG. DEPT OFFICER DESCRIBED COMPLEXITY OF SITUATION IN WHICH SEVERAL FRG AGENCIES, BERLIN SENAT, AND ALLIES ALL INVOLVED.

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3) PUBLICITY, PARTICULARLY THAT HOSTILE TO EAST GERMAN REGIME, COULD BE COUNTERPRODUCTIVE IN PRESENT NEGOTIATIONS FOR RELEASE OF VAN ALTENA. (THIS POINT EVIDENTLY COINCIDES WITH RECENT ADVICE SENT TO THEM BY PROFESSOR RINCK.)

4) FAMILY SHOULD ASK FOR SOME BREAK-DOWN LEGAL FEES ALREADY EXPENDED BEFORE FURTHER REMITTANCES ARE CONSIDERED.

5) USG WILL CONTINUE TO EXPLORE EVERY NEW POSSIBILITY TO EFFECT JOHN'S RELEASE.

FAMILY SEEMED SINCERELY CONVINCED THAT USG DOING EVERYTHING POSSIBLE BEHALF THEIR SON. DEPT OFFICER SENSED THEY NOW REALIZE THAT JOHN VAN ALTENA'S CAPTURE DUE PRINCIPALLY HIS OWN YOUTHFUL NAIVETE AND INEXPERIENCE. THEY SAID THEY DO NOT RPT NOT PLAN SEEK PUBLICITY.

DURING INTERVIEW FAMILY SHOWED DEPT OFFICER COPY OF REPORT DATED FEBRUARY 5 WHICH VON WINTERFELD SENT TO NEEHAN. ACCORDING KAUL, EAST GERMAN REGIME IS PREPARED RELEASE VAN ALTENA IN RETURN FOR ANY ONE RPT ONE OF FOUR ACTS ON PART EITHER FRG OR ALLIES INCLUDING LIFTING OF KOMMANDATURA BAN ON KAUL OR CONCLUSION OF LAWYER EXCHANGE AGREEMENT. MISSION IS REQUESTED COMMENT ON ACCURACY REPORT AND POSSIBILITIES AFFORDED.

GP-4.
RUSK

245/15/2/ee

CONFIDENTIAL

ACTION TAKEN:

Reply drafted

NO ACTION
REQUIRED

DATE

11/19

[Signature]

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Control:

Date:

28

FEB 5, 1965
4PM

ACTION: SecState WASH 998
 INFO: Amembassy BONN 883
 SUBJ: John van Altena
 REF: Deptel 2229 to Bonn, 627 to Berlin

EA2
MIN3
USCOB
POL2
F&R

Vogel's fees Mann and Loba cases were \$250 and \$300 respectively. Clear from reftel that Winterfeld-Kaul fees considerably in excess of Vogel charges in cases cited. On other hand, van Altena case has become considerably more complex than either Mann or Loba. Comparison with Hammerstein perhaps more in order. In that case, as Dept aware, Vogel kept as his fee proceeds of sale of Hammerstein's car plus sum of between \$500 and \$600 -- total of order of \$1700 at official rate of exchange. Should be noted additionally, however, that Vogel charges covered entire period of Hammerstein case -- over two years.

It is difficult to make useful comparisons beyond above-cited facts. Prisoner cases are special in both East and West, in sense more than normal legal fees almost certainly involved. For example, cases that come to trial involve regular legal fees at fixed rates. This is only beginning,

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-2- Date:

however. Lawyers involved charge additional, and doubtless heavy fees toward their efforts to get prisoners released. Influence peddling is probably an important factor in bills presented.

Winterfeld has on several occasions complained to Mission about cost of van Altena case to him. He gives impression that he is considerably out of pocket. Winterfeld acts in the grand style, telephoning and sending telegrams to numerous contacts all over Germany. Hour-long phone conversations with Mission from Hannover are not uncommon. We have little doubt that he is well on way to using up amounts van Altena family has provided as expenses. Usefulness of his efforts is more open to question.

Our view is that family would be well advised to be cautious about advancing further large sums to either Winterfeld or Kaul.

GP-4.

CALHOUN

AUTH: FJMeehan

EAS:FJMeehan:em
5/1305 FEBRUARY

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U.S. MISSION BERLIN

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ACTION:
EAS 3

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Authority NND 67230

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By BKT/NC on 2 May 2013

Classification

Control: 57

Bo 29

INFO:
MIN 3
USCOB
FOL 2
F&R

FROM: DEPARTMENT

Recd: February 5, 1965
0800 HOURS

NO: 627 - FEBRUARY 4 - 6PM

ACTION BERLIN 627 INFO BONN 2229,

SUBJECT: JOHN VAN ALTENA.

DEPTEL 2167 TO BONN 612 TO BERLIN.

ACCORDING TO LETTER FROM MRS. VAN ALTENA, FAMILY HAS PAID FOLLOWING
LAWYER'S FEES:

TO VON WINTERFELD - \$500 FOR EXPENSES IN LATE NOVEMBER AND \$1000
IN EARLY DECEMBER "FOR EXPENSES TO DATE".

TO KAUL - \$500 AT END DECEMBER FOR EXPENSES.

FAMILY ASKED FOR ESTIMATED CHARGE IN BEGINNING BUT NEVER RECEIVED
ANY ANSWERS ON THIS POINT. THEY INTEND WRITE TO VON WINTERFELD TO
ASK WHAT KAUL'S TOTAL FEE WILL BE.

REQUEST MISSION MAKE COMPARISON THESE FEES WITH AVERAGE FEES
CHARGED EAST AND WEST BERLIN IN SIMILAR CASES. DEPT WILL
FURNISH BETTER BREAK-DOWN WHEN RECEIVED.

GP-4.

57/taf

ACTION TAKEN:
<i>Key drafted</i>
<input type="checkbox"/> NO ACTION REQUIRED
DATE <u>11/5</u>
INITIALS <u>[Signature]</u>

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ACTION:
EAS 3

DECLASSIFIED
Authority NND 67230
By BKT/NC on 2 May 2013

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Classification

Pol 29
Control: 026

INFO:
MIN 3
USCOB
POL 2
EAS

FROM HAMBURG

Recd: February 3, 1965
0800 HOURS

NO : 13 FEB 2, 6PM

ACTION DEPT 164 INFO BERLIN 13 BONN 86 FROM HAMBURG FEB 2, 6 PM

REF: DEPTELS 134 AND 138 TO HAMBURG.

DURING INTERVIEW WITH WERNER KLOSS IN PRESENCE HAMBURG POLICE, CONSULAR OFFICER HAMBURG LEARNED THAT ANNOUNCEMENT OF VANALTEA ARREST AND SENTENCE APPEARED IN THE HAMBURG ABENDECHO ON JAN. 18, 1965. ARTICLE DATED IN A MILTON JUNCTION, WISCONSIN, 18 JANUARY, AND READS IN APPROXIMATE TRANSLATION AS FOLLOWS: " ON FRIDAY, THE U.S. STATE DEPT. INFORMED THE PARENTS OF THE 20 YEAR OLD JOHN VAN ALTEA THAT THEIR SON HAD BEEN SENTENCED BY EAST ZONE AUTHORITIES TO A 8 YEAR TERM OF CONFINEMENT. HE HAD TRIED TO SMUGGLE A WOMAN AND HER CHILD OUT OF THE EAST ZONE. VAN ALTEA WAS ARRESTED IN EAST BERLIN ON THE 10TH OF OCTOBER.

VAN ALTEA'S RELATIVES ARE FARMERS IN MILTON JUNCTION, WISCONSIN. AS A YOUTH VAN ALTEA HAD SPENT A YEAR WITH A FAMILY IN THE FRG."

THIS ARTICLE PROMPTED KLOSS TO GO TO THE NEWSPAPER TO ASK WHY THE STORY HAD BEEN PUBLISHED SINCE HE HAD UNDERSTOOD IT WAS STILL UNDER POLICE BAN. KLOSS WAS TOLD THAT THE STORY WAS NO LONGER CLASSIFIED SINCE THE ANNOUNCEMENT OF THE PRISON SENTENCE WAS MADE BY THE STATE DEPT. KLOSS THEN AGREED TO GIVE FURTHER DETAILS OF THE ESCAPE ATTEMPT FOR CERTAIN CONSIDERATIONS. BEFORE PUBLISHING KLOSS'S DISCLOSURE, THE ECHO APPROACHED THE HAMBURG POLICE FOR PERMISSION. THUS FAR, NO FURTHER PUBLICATION HAS BEEN NOTED. KLOSS HAS SIGNED AND GIVEN POLICE HIS OWN STATEMENT THAT HE WILL MAKE NO FURTHER DISCLOSURES. POLICE ARE INVESTIGATING SOURCE OF NEWS. ECHO DOES NOT HAVE EXCEPTIONALLY LARGE CIRCULATION AND THUS FAR NO OTHER INQUIRIES BY THE PRESS HAVE BEEN MADE TO CONGEN.

GP-3.

026/taf

No action reqd.
II/3
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BAILEY

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Department of State FORM DS-4 1-3-55		CLASSIFICATION UNCLASSIFIED	
TRANSMITTAL SLIP		DATE Feb. 3, 1965	
TO Emmett B. Ford, Jr., Esq.		For the Attention of Office of German Affairs	
FROM US Mission, Berlin			
TO THE FOREIGN SERVICE		TO THE DEPARTMENT	
<input type="checkbox"/> For Transmittal to Addressee at the Discretion of Post <input type="checkbox"/> Post Information Only <input type="checkbox"/> Transmit to Foreign Office <input type="checkbox"/> Submit Report <input type="checkbox"/> Reply to the Individual		<input type="checkbox"/> Dept. Information Only <input type="checkbox"/> CERP Publications <input type="checkbox"/> Enclosure to Previous Despatch <input type="checkbox"/> Reply to Dept. Request	
<input type="checkbox"/> Transmit to: <input type="checkbox"/> Inform:		(U.S. Agency)	
REFERENCE			
ITEMS/REMARKS <p>Attached is correspondence (original and translation) to the van Alton family from Frau Habe, mother of the East Berliner whose family van Alton tried to help escape. Department is requested to forward correspondence to the van Altonas. Also attached is copy of Mission's reply to Frau Habe's letter requesting it to forward her letter to the van Altonas.</p>			
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE			
FILE NO.		SIGNATURE	
CLASSIFICATION UNCLASSIFIED		OFFICE Francis J. Neenan Chief, Eastern Affairs Sect.	

FILE ROOM COPY

B229

TRANSLATION

January 25, 1965

U. S. Mission
1 Berlin 33
Clayallee 170

Subject: John van Altena, Jr. - Arrest in East Berlin on
October 10, 1964

May I kindly request you to forward the enclosed letter
to the parents of John van Altena, whose address I do not
know?

I am exceedingly sorry for the entire occurrence; as
mother of the arrested children, Jürgen and Bärbel Rabe
from East Berlin, I have also been heavily affected and can
only hope that all concerned will surmount everything in
good health.

I thank you in advance for your effort.

(signed) Anneliese Rabe
3501 Baunatal 1
Altenbauna über Kassel
Grossenritterstrasse 9
Western Germany

TRANSLATION

January 25, 1965

Dear van Altena parents:

I feel compelled to express to you my deepest sympathy for the great sorrow you have experienced in the arrest and punishment of your son John.

From the bottom of my heart I hope and wish with you that it will be possible for the appropriate agencies of your government to effect the release of your son John as soon as possible.

He had wanted to act from noblest motives in attempting to assist my children to freedom, and it ended unhappily. I am the mother of Jürgen Rabe, whose pregnant wife your son had wanted to bring across the border first. My son was arrested five days later and we know nothing; I myself cannot foresee when I will obtain word of any kind from him. Actually, we undertook everything possible out of West Berlin to get help to them, but those who know conditions in the East, know [also] how verdicts are passed.

I personally knew nothing of the entire project, so you will believe me [when I tell you] how shocked I, too, was about this matter, inasmuch as exactly a year ago I suddenly lost my husband when he died of a heart attack. This loss was terrible enough for me; and now I [must] fear for my children, and my concern for your son is no less.

A common sorrow ties us and I would ask you kindly to let me know, should you hear any further details about your son. We must hope together that justice will yet finally triumph, and that all people can move freely and go where they are inclined to, and where they themselves prefer to live. I feel with you as a mother and hope with you as a mother.

(signed) Anneliese Rabe
3501 Bauatal 1
Altenbauna über Kassel
Grossenritterstrasse 9
Western Germany

United States Mission,
1 Berlin 33,
Clayallee 170

February 3, 1965

Dear Frau Rabe:

The United States Mission acknowledges the receipt of your letter of January 25. We have sent your letter to the van Altna family to the Department of State in Washington for forwarding. I am sure that the van Altnas will be grateful for your sympathy.

Very truly yours,

Francis J. Meehan
Chief
Eastern Affairs Section

Frau Anneliese Rabe,
3501 Baunatal 1,
Altenbauna über Kassel,
Grossenritterstrasse 9,
Western Germany

EAS:FJMeehan:em

TELEGRAM

Foreign Service of the
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U.S. MISSION BERLIN

LL/wdk

INCOMING

cy-1
FILE ROOM COPY
782-29

DECLASSIFIED

~~SECRET~~

Classification

Control: 310

Authority NND 67230
By BKT/NC on 2 May 2013

Recd: 30 JAN. 1965
10:00 A.M.

ACTION:
EAS-3
INFO:
MIN-3
AMB
USCOB
POL-2
F&R

FROM: DEPARTMENT

NO: 612 - 20 JANUARY 1965, 7:00 P.M.

ACTION BONN 2167 BERLIN 612 HAMBURG 138

REF: (A) EMBTEL 2825 TO DEPT, 834 TO BERLIN
(B) BERLINTEL 967 TO DEPT, 857 TO BONN, 13 TO HAMBURG
(C) CONGENTEL 161 TO DEPT, 83 TO BONN, 12 TO BERLIN

SUBJ: JOHN VAN ALTENA

IF EMBASSY BELIEVES VON WINTERFELD NOT RPT NOT ACTING ANY OFFICIAL FRG OR SENAT CAPACITY DEPT AGREES NO RPT NO APPROACH SHOULD BE MADE TO ASK FRG OR SENAT TO ASSUME LAWYER FEES FOR VAN ALTENA. IT WAS NEVER CONTEMPLATED THAT GERMANS WOULD BE ASKED PAY FEES TO KAUL.

DEPT HAS ASKED FOR BUT STILL HAS NOT RECEIVED FROM VAN ALTENA FAMILY INFORMATION ON ACTUAL AMOUNT AND BREAKDOWN FEES PAID OUT TO VON WINTERFELD. THIS INFORMATION WILL BE REPORTED TO ADDRESSEE POSTS WHEN RECEIVED. IT MAY THEN BE POSSIBLE TO DETERMINE IF FEES NORMAL, EXCESSIVE, OR IF ZONE INEXTORTING RANSOM PAYMENTS DISGUISED AS DEES.

DEPT AWARE DANLER TTATANY PUBLICITY LIKELY DIMINISH CHANCES GETTING VANALTENA OUT. FOR THIS REASON IT CONSIDERED PRUDENT TO BRIEF FAMILY ON TRUE CIRCUMSTANCES ESCAPE ATTEMPT AND ARREST WHICH THEY NOW SEEM TO BELIEVE WAS A FRAME-UP HAVING A POSSIBLE CONNECTION WITH THE RELEASE OF JACOBS. POLICE REPORT FROM HAMBURG SHOULD ANSWER PURPOSE.

FYI - VAN ALTENA FAMILY HIRED VON WINTERFELD ON ADVICE PROFESSOR RINCK WITHOUT RECOMMENDATION OF DEPT. JOHN VAN ALTENA HAD BECOME ACQUAINTED WITH RINCK ON PREVIOUS TRIP TO GERMANY.

GP-3
BALL

~~SECRET~~

Classification

TELEGRAM

Foreign Service of the
United States of America

7/wdk

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Classification

ACTION:
EAS-3
INFO:
USCIB
POL-2
F&R
MIN-3

P R I O R I T Y

FROM: HAMBURG

NO : 12 JAN 28, 5PM

DECLASSIFIED

Authority NND 67230

By BKT/NC on 2 May 2013

Control: 301

Recd: 29 JANUARY 1965
0530 HOURS

ACTION PRIORITY DEPT 161 INFO BONN 83 BERLIN 12 FROM HAMBURG
JAN 28, 5 PM

REF: DEPTTEL 603 TO BERLIN, BONN 2128

ON OCT 15 HAMBURG CONS OFFICER ATTENDED LOCAL POLICE INTER-
ROGATION OF WERNER KLOSS, PARTNER VAN ALTENA IN ESCAPE ATTEMPT
AND WITNESS OF ARREST. COPY OF RESULTING PROTOCOL FORWARDED
DEPT TODAY. HAMBURG INFORMED BERLIN FULLY IN OCTOBER, FURNISHED
COPY PROTOCOL AT THAT TIME. (REF HAMBURG'S 3 TO BERLIN,
87 DEPT, 4 BERLIN, 90 DEPT).

HAMBURG FEARFUL KLOSS IS TRYING TO SELL STORY TO PRESS.
HE HAS LOST JOB AND SUFFERED FINANCIAL LOSS IN ESCAPE ATTEMPT.
HAMBURG POLICE INFORMED CONGEN ON JAN 20 LOCAL PRESS REQUESTED
PERMISSION TO PRINT STORY. POLICE AT OUR REQUEST ATTEMPTING TO
DISCOURAGE PUBLICATION. THUS FAR SUCCESSFUL.

GP-3. BAILEY

ACTION TAKEN:

NO ACTION
REQUIRED

DATE

INITIALS

I/29

~~SECRET~~

Classification

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10/2/wdk

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PL 29

ACTION:

EAS-9 P R I O R I T Y

Classification

Control: 294

INFO:

MIN-3 FROM: BONN

DECLASSIFIED

Recd: 29 JANUARY 1965
0530 HOURS

USCOB

Authority NND 67230

POL-2

NO : 834 JAN 28, 6PM

By BKT/NC on 2 May 2013

F&R

ACTION PRIORITY DEPT 2825 INFO PRIORITY BERLIN
834 FROM BONN JAN 28, 6 PM

SUBJECT: JOHN VAN ALTENA

REF: DEPTTEL 2128

THERE ARE SEVERAL SERIOUS DIFFICULTIES TO APPROACHING THE FRG AND ASKING THAT IT TAKE OVER PAYMENT OF LAWYER FEES FOR VAN ALTENA.

VON WINTERFELD HAS ON OCASSION WORKED FOR FRG IN THE

PAST BUT WE DO NOT HAVE THE IMPRESSION THAT HE IS A REGULAR EMPLOYEE OR THAT HE IS OFFICIALLY REPRESENTING THE GOVERNMENT IN HIS PRESENT DEALINGS WITH KAUL. IN VIEW OF KAUL'S BACKGROUND AND STATUS, WE THINK IT UNLIKELZ TTAT THE DRG WOULD BE WILLING TO PAY HIM A FEE.

THE EMBASSY, MOREOVER, HAS NO IDEA OF HOW THE FAMILY HANDLED THE MATTER, OR HOW LARGE THE FEES ARE. WE ARE UNINFORMED AS TO HOW THE FAMILY IN THE FIRST INSTANCE GOT INTO TOUCH WITH KAUL, AND WHOM IT COMMISSIONED TO ACT ON ITS BEHALF. WE HAVE HEARD THAT A PROFESSOR RINCK OF GOETTINGEN UNIVERSITY WAS INVOLVED, BUT IT IS UNCLEAR WHETHER THE FAMILY HIRED KAUL ON HIS ADVICE, OR ON THE ADVICE OF BOTH VON WINTERFELD AND KAUL OR ONLY TO THE LATTER. WE NEED TO LARN FROM THE FAMILZ JUST HOW MUCH HAS BEEN PAID IN FEES, WHAT IS THE BREAKDOWN, AND WHAT IS STILL OWED OR STILL BEING DEMANDED.

IT IS CONCEIVABLE THAT THE ZONE, AS IT DID WITH HAMMERSTEIN, IS NOW IN THE PROCESS OF EXTORTING WHAT IN ESSENCE S A RANSOM PAYMENT, DISGUISED AS "FEES". IF THIS IS THE CASE, IT MAY BE POSSIBLE TO ARREST THE PROCESS IN VIEW OF THE LIKELIHOOD OF A GERMAN RANSOM CONTRIBUTION.

THERE IS NOW SOME REASON TO BELIEVE THAT DIFFERENCES ARE EMERGING BETWEEN THE SENAT AND BONN APROPOS THE LAWYER EXCHANGE. IF THE EXCHANGE IS DELAYED, THE FRG RANSOM PROGRAM WILL OFFER THE ONLY HOPE OF OBTAINING VAN ALTENA'S

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RELEASE AND WE WOULD BE APPREHENSIVE OF DISTURBING WEST GERMAN WILLINGNESS TO PAY THE RANSOM BY AN UNPRECEDENTED

ADDITIONAL REQUEST THAT THEY ALSO PAY LUYER FEES. IN THE CIRCUMSTANCES, ANYTHING SPECIFIC THE DEPT CAN LEARN ABOUT THE FEES WOULD BE HELPFUL. THE POSSIBILITY OF AN FRG RANSOM PAYMENT SHOULD NOT RPT NOT BE MENTIONED TO THE FAMILY AT THIS POINT. MCGHEE
GP-3

ACTION TAKEN:

SECRET

NO ACTION
REQUIRED

DATE 1/30

INITIALS [Signature]

TELEGRAMForeign Service of the
United States of America

9/3

OUTGOING

US MISSION, BERLIN

COPY NO. *1***FILE ROOM COPY**MIN 3
USCOB
POL 2
EAS 2
f3rdmy**Charge:**~~SECRET~~*Classification*

Control: 153

Date: January 28, 1965
1820 HOURS

ACTION: SecState WASH 967

INFO: Amembassy BONN 857
Amconsul HAMBURG 13

SUBJECT: Van Altena

REF: Deptel 2128 to Bonn, 603 to Berlin

Fullest account of van Altena escape attempt is contained in Hamburg police report forwarded to Mission by ConGen Hamburg. Police report contains nothing in way of "plot" and "frame-up." Essential facts of escape attempt were conveyed in Berlintel 539 and 563 to Dept, 483 and 501 to Bonn. Perhaps ConGen Hamburg could follow-up discreetly with Hamburg police in effort elicit further information which might throw light on van Altena family statements.

Since we are unaware of what family is driving at, it is difficult to comment on what effects "sensational information" might have if released to press. On general grounds, however, we continue to believe that publicity is likely to harm rather than help. This would be especially the case if information released by family revealed conspiratorial activities on part of van Altena, or connections between him and any known anti-GDR organizations. Such of Kaul's reports on case to

153/taf

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Classification

Control: 153

-2-

Date:

von Winterfeld as we have seen do not contain any allegations that van Altena engaged in organized conspiratorial activities. For family to do anything which might suggest such activities would, in our view, add a new and dangerous dimension to case, and chances of getting van Altena out would be correspondingly diminished.

We consider it would be counter productive to approach Senat with request that it assume legal fees in van Altena case. We assume that such fees are payable to Winterfeld and Kaul. It is out of the question that Senat would consider paying Kaul anything, and they regard Winterfeld only as a disturbing element in their efforts to bring about lawyers' exchange. Winterfeld's political connections are on the CDU side. GovMayor Brandt and other Senat officials have openly expressed their distaste to us for Winterfeld role in case and their marked preference for Stange-Vogel channel, which they have apparently used often in past. Winterfeld has been trying to insert himself into leading role in lawyers' exchange negotiations. He has told us in as many words -- and, we gather, he has now told van Altena family -- that US should

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Control: 153

Date:

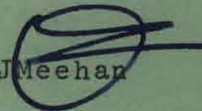
-3-

order Brandt to entrust him (Winterfeld) with lawyers' exchange negotiations. We are quite sure that Senat would not consider this under any circumstances, and any efforts on our part to induce them to do so would be counter-productive.

Mission officer discussed van Altena case with Winterfeld Jan 27. He told Winterfeld that there were reports that Kaul had not been authorized to make any offer concerning van Altena release in connection with lawyers' exchange. Winterfeld replied that he was sure that Kaul did have such authorization in early stages of case, but he would not exclude possibility that situation had changed. Winterfeld was not more specific than this. Mission officer asked him to find out Kaul's views on prospects in case. Winterfeld said he would do so and would thereafter be in touch with Mission again.

GP-3.

CALHOUN

AUTH: FJMeehan 

EAS:FJMeehan:em
28/1815 JANUARY

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PRIORITY

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Classification

Control: 282

ACTION:
EAS-3
INFO:
MIN-3
POL-2
USCOB
P&R

FROM: DEPARTMENT

DECLASSIFIED

Recd: 28 JANUARY 1965
0800 HOURS

NO : 603 JAN 27, 5PM

Authority NND 67230

By BKT/NC on 2 May 2013

ACTION PRIORITY BERLIN 603 BONN 2128 HAMEURG 134
JAN 27-5PM

SUBJECT: JOHN VAN ALTENA

REFERENCE: DEPTTEL 574 TO BERLIN; 2016 TO BONN.

VAN ALTENA FAMILY QUITE UPSET BY FAILURE TO OBTAIN RELEASE JOHN DESPITE FACT THEY HAVE "MORTGAGED EVERYTHING" TO PAY VON WINTERFELD AND KAUL, AND THEY HAVE INDICATED INTENTION TO "RESORT TO PUBLICITY." FAMILY IMPLIES POSSESSION SENSATIONAL AND HITHERTO UNPUBLICIZED INFORMATION ON A "PLOT" AND "FRAME-UP". IN ORDER BE IN BETTER POSITION TO ALLAY UNWARRANTED FEARS OF FAMILY AND TO PREVENT PUBLICITY WHICH WOULD PROBABLY BE COUNTER-PRODUCTIVE TO PRESENT NEGOTIATIONS FOR REALSE VAN ALTENA, DEPT REQUESTS ADDRESSEE POSTS FURNISH ANY INFORMATION AVAILABLE ON CIRCUMSTANCES VAN ALTENA ESCAPE ATTEMPT AND ARREST.

IN VIEW CLAIM OF EXCESSIVELY HIGH FEES PAID THROUGH VAN WINTERFELD, EMBASSY AND MISSION REQUESTED EXPLORE POSSIBILITY THAT PART OR ALL THESE FEES COULD BE PAID OUT OF FRG OR SENAT FUNDS. (DEPT HAS BEEN UNABLE THUS FAR TO ASCERTAIN HOW MUCH VAN ALTENA FAMILY HAS ACTUALLY PAID.) SUCH ARRANGEMENTS FOR OFFICIAL ASSUMPTION LEGAL FEES MIGHT BE JUSTIFIED BY VON WINTERFELD STATUS AS FRG REPRESENTATIVE AND LINKAGE OF VAN ALTENA CASE TO NEGOTIATIONS.

GP-3. RUSK

ACTION TAKEN:

Newly drafted

NO ACTION REQUIRED

DATE 1/28

INITIALS [Signature]

~~SECRET~~

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United States of America**OUTGOING** U.S. MISSION BERLIN*PL 29*
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Charge:

Control: 115

Date: JAN 22, 1965
4PM

ACTION: Amconsul HAMBURG 12

INFO: SecState WASHINGTON 936
Amembassy BONN 825

SUBJ: John van Altena

REF: Hamburg's 10 to Berlin (not sent Dept., Bonn)

EA
MIN3
USCOB
POL2
F&R

Mission believes it would be prejudicial to favorable outcome of current developments in van Altena case if Hamburg police released their file to press. FYI: Mission has been exploring various possibilities of ^{bringing} ~~bring~~ about van Altena release. East German authorities are known to be sensitive to publicity on prisoners' cases under negotiation. Press stories might reduce Eastern flexibility in dealing with case. End FYI.

Suggest you ask cooperation of Hamburg police in keeping story out of press at this time without, however, indicating that negotiations with East are in progress.

Mission has been led to believe that Werner Kloss, who was involved with van Altena in escape attempt, intended to sell story for publication. Believe it desirable that Kloss also refrain from press stories for reasons given above. Since

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Control: 115

-2-

Date:

Kloss largely responsible for getting van Altena into prison,
it should be possible to get him to cooperate.

GP-3.

CALHOUN

AUTH: FJMeehan

EAS:FJMeehan:eo
22 January 1450

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PL 29

MEMORANDUM FOR THE RECORD

SUBJECT: Van Altena Case

January 22, 1965

Herr Korber telephoned me on January 22. He said that while he did not have the approval of the Federal Government to raise the lawyers' exchange with Wendt on January 25, he would like to refer to the matter informally, "outside the agenda." Korber would allude to the fact that the lawyers' exchange proposal had been discussed by Stange with Vogel. He would then refer to the problem posed by van Altena and ask Wendt for his assistance in bringing about van Altena's release. Korber emphasized that he would not make these points, however, without our specific approval.

After consulting with the Minister and Mr. Meehan, I called Herr Korber back and said that the matter had been discussed fully by Mayor Albertz with Minister Calhoun on January 20 and again on January 21 with the three Allied Ministers. The subject had been covered very adequately in these conversations. Korber replied that he did not understand this, since Mayor Albertz had spoken to him about the matter only that morning. I reiterated that Mayor Albertz had indicated to the Allies that the matter would be raised at the January 25 meeting. Korber said, "Oh, I see," or words to that effect, and appeared satisfied. He then added that he was very curious how Wendt would react in this matter.

A few minutes after this conversation I had occasion to call Herr Spangenberg on another matter. Spangenberg used the opportunity to tell me that the Senat had decided internally that Korber should refer to the lawyers' exchange and the van Altena case at his January 25 meeting with Wendt. He said Korber would mention the Stange-Vogel conversation. He would then refer to the mutual interest in bringing about the exchange of lawyers, say that a difficulty had arisen through the van Altena case, and urge that the East Germans release van Altena in order to clear the way for implementing the lawyers' exchange proposal.

I told Spangenberg that Korber had called me in this matter a few minutes earlier. I then gave Spangenberg basically the same answer I had given Korber, i.e., that this matter had been fully discussed by Mayor Albertz not only at his meeting with Minister Calhoun on Wednesday, at which Spangenberg had been present, but also at his lunch with the three Allied Ministers on Thursday. Spangenberg had no further comment.

cc: M - Minister Calhoun
POL - Mr. Day
EAS - Mr. Meehan

GROUP 4
Downgraded at 3-year intervals.
Declassified after 12 years.

POL:LHeichler/dhc

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OPERATIONS MEMORANDUM

TO: US Mission Berlin

Date: January 20, 1965

FROM: Amconsul HAMBURG *[Signature]*

SUBJECT: WELFARE-WHEREABOUTS: John van ALTENA

REF: Contel 4 to Berlin, Oct. 15, 1964; Berlintel 5, Oct. 16, 1964; Berlintel 7, Oct. 21, 1964, Contel 10 to Berlin, January 21, 1965

The Hamburg police have been requested by representatives of the press to release the story of John van Altena. The police have refused to do so without the permission of this Consulate General. Since the classified correspondence relating to Mr. van Altena was initiated by Berlin, this office would appreciate advice regarding its present status. The press told the police that the story was broadcast by AFN in October. If the Mission has no objection to the release of the Hamburg police record of this story to the press, please advise this office as soon as possible.

Further, this office has received numerous letters, employment records, and bills for Mr. van Altena which were forwarded to us by his former employers at Lufthansa. These are enclosed with this OM.

TO	ACT.	INFO	FILE
M		<input checked="" type="checkbox"/>	
ADM			
POL			
USIS			
ECON			
EA	1		
CON			
USCOP			
FILE			2
ACTION:			
DATE:			
INIT:			

Enclosures:

As Stated.

FEB 2, 1965

*FORWARDED TO
EMMETT B. FORD, JR.
OFFICE OF GERMAN AFFAIRS,
DEPT. OF STATE WITH DS-4.*

EMJ/FJM



CONS: *[Signature]* lin: GHHaselton/jk

GROUP 3
Downgraded at 12-year intervals,
not automatically declassified.

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United States of America

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ACTION: DECLASSIFIED
EAS 3 Authority NND 67230
By BKT/NC on 2 May 2013

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Classification

Control: 192

INFO: FROM: HAMBURG

Recd: January 21, 1965
1800 HOURS

MIN 3 NO: 10 - JANUARY 21 - 4PM

USCOB
POL 2
P&R
SUBJ: JOHN VAN ALTENA

Pol-29

REF: BERLINTEL 5, OCT. 16, 1964

ADVISE URGENTLY WHETHER MISSION HAS ANY OBJECTION TO HAMBURG
POLICE PROPOSAL, PROMPTED BY PRESS REQUEST, TO RELEASE
THEIR POLICE RECORDS ON SUBJECT TO PRESS. OM FOLLOWS.

GP-4

BAILEY

ACTION TAKEN:

Reps drafted

NO ACTION
REQUIRED *1/22*

DATE _____
INITIALS _____

192/taf

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Authority NND 67230

By BKT/NC on 2 May 2013

~~SECRET~~

Classification

Control:

157

Recd: 19 JAN. 1965
07:30 A.M.

ACTION:
EAS-3
INFO:
MIN-3
USCOB
POL-2
F&R

FROM: DEPARTMENT

NO: 574 - 18 JANUARY 1965, 5:00 P.M.

ACTION BERLIN 574 BONN 2016

REF: EMBTEL 912

SUBJECT: JOHN VAN ALTENA

DEPT CONCURS IN MISSION ADHERENCE TO GENERAL LINE DEVELOPED
WITH STANGE AND VOGEL.

GP-3
RUSK

ACTION TAKEN:

NO ACTION
REQUIRED

DATE _____ I/19

INITIALS _____

~~SECRET~~

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US MISSION, BERLIN

Poc 29

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Charge:

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Classification

Control: 026

Date: January 7, 1965
1000 HOURSEA2
MIN3
USCOB
POL2
USIS
IO
F&RACTION: SecState WASH PRIORITY 866INFO: Amembassy BONN 756

SUBJECT: John van Altena

REF: Berlintel 858 to Dept, 749 to Bonn

Von Winterfeld phoned Mission evening Jan 7 to say Kaul had informed him that van Altena had been given eight-year sentence. Kaul has already appealed sentence. He told Winterfeld that fact of sentence does not repeat not in itself mean that East will be unable to negotiate van Altena release in connection lawyers' exchange deal.

Comment. While Kaul indication of continuing Eastern flexibility re van Altena release sounds hopeful, we would warn against excessive optimism on this score. It still remains unclear to what extent Kaul has been pushing own private interests, and to what extent he has been conveying official East German views. Truth on this key point will presumably only emerge in course of planned discussions between Senat and East German representatives. As of evening Jan 7 East had not repeat not, so far as Mission informed, replied to Senat communication indicating readiness to meet.

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Control: 026

-2-

Date:

Winterfeld will be in touch with Kaul, and Mission will of course remain in contact with both Winterfeld and Senat, and will report further developments as they occur.

Since Winterfeld will presumably be in touch with family on sentence, Mission sees no reason why Department should not now inform family.

GP-3.

HULICK

AUTH: EAS:FJMeehan

EAS:FJMeehan:em
7/1000 JANUARY

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Control: 013

DIST:
EAS-3
MIN-3
POL-2
USCOB
F&R ✓

Charge:

Date: 5 January 1965
1845 hours

ACTION: SecState WASH PRIORITY 858

INFO: Amembassy BONN 749

this document consists of 2 pages
Number 1 of 10 copies, Series A

SUBJECT: John van Altena

REF: Berlintel 854 to Dept, 744 to Bonn

Von Winterfeld telephoned Mission afternoon ~~Dec~~ ^{JAN} 5 with information that van Altena trial was completed ~~Dec~~ ^{JAN} 5 and sentence is due ~~Dec~~ ^{JAN} 7. Trial took place in Neubrandenburg, not East Berlin. Winterfeld did not know why. (We would guess that it is possibly easier for regime to run rigged trial in provincial city, as was done in Hammerstein case.) Prosecution asked for eight year sentence on charge of "organized enticement to defection in an aggravated form through use of a weapon." According Winterfeld, Kaul made plea to change charge to "assistance in offense against pass law." Conviction on latter charge would carry much lighter sentence, probably of order of two years. Winterfeld said he will call Mission ~~Dec~~ ^{JAN} 7 as soon as he hears from Kaul following sentence. Winterfeld plans to meet with Kaul ~~Dec~~ ^{JAN} 8, and said he would report to Mission by telephone after meeting.

013/wdk

Mission officer told Winterfeld in explicit terms that van Altena release was firm Allied condition for lifting of

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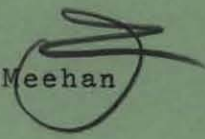
-2-

ban on Kaul's entry to West Berlin. Winterfeld said he would again convey this to Kaul.

Mission officer suggested that Winterfeld not repeat not inform van Altena family of prosecution request for eight-year sentence pending pronouncement of sentence. Winterfeld agreed. Mission suggests Dept also withhold information from family at this stage since it would doubtless be source of great concern and since actual sentence may in fact be different.

GP-3.

CALHOUN

AUTH: FJMeehan 

EAS:FJMeehan:em
5/1830 JANUARY

~~SECRET~~
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BL 29

ACTION:
EAS-3

~~SECRET~~

Classification

Control: 013

INFO:
USCOB
MIN-3
F&R
POL

Recd: 5 JAN. 1965
1:10 P.M.

FROM: BONN

NO: 737 - 5 JANUARY 1965, 1:00 P.M.

ACTION PRIORITY DEPT 2479 INFO BERLIN 737

SUBJ: VAN ALTENA

REF: BERLIN'S 852 TO DEPT.

AFTER COORDINATING BY TELEPHONE WITH BERLIN, AND INFORMING BRITISH AND FRENCH EMBASSIES OF OUR INTENTIONS, WE YESTERDAY DISCUSSED THE VAN ALTENA CASE WITH RUEFE, DEPUTY DIRECTOR OF POLITICAL DEPT II IN FONOFF. FMOFFS POINTED OUT THAT, AT KAUL'S INSTIGATION, A CONNECTION HAD BEEN ESTABLISHED BETWEEN THE LAWYERS' EXCHANGE AND THE RELEASE OF VAN ALTENA. THE EAST GERMAN DECISION TO BRING VAN ALTENA TO TRIAL ON JAN 5 RAISED THE POSSIBILITY THAT THIS LINKAGE WAS BEING IGTRED. IT MIGHT INDICATE THAT THE GDR CONSIDERED IT COULD POCKET THE LAWYER EXCHANGE, EVEN IF VAN ALTENA RECEIVED A HEAVY SENTENCE.

WE SAID THAT THE DEPT IS DISTURBED AT THE POSSIBLE DIS-APPEARANCE OF THIS LINKAGE. IF VAN ALTENA WERE GIVEN A SEVERE SENTENCE, THE US WOULD FIND IT DIFFICULT TO SUPPORT THE LAWYER EXCHANGE, AND SPECIFICALLY ANY READMISSION OF KAUL TO WEST BERLIN.

RUEFE NOTED THIS, AND EXPRESSED HOPE THAT THE LAWYER EXCHANGE COULD STILL AFFRD LEVERAGE TO GET VAN ALTENA OUT. HE THOUGHT IT LIKELY THAT THIS COULD BE ACHIEVED EVEN AFTER A SENTENCING, WHICH IN HIS OPINION THE GDR MIGHT PUSH THROUGH AS A REMINDER OF ITS "SOVEREIGNTY". HE SAID THAT TO THE EXTENT POSSIBLE THE FONOFF WOULD SUPPORT USE OF THE LAWYERS' EXCHANGE FOR RELEASE OF VAN ALTENA IN STATE SECRETARY COMMITTEE DISCUSSIONS IN BONN.

WE TOLD HIM THAT WE WERE SIMULTANEOUSLY INFORMING THE SENATE, WHICH WAS MAINTAINING THE PRIMARY CONTACT WITH EAST GERMANS ON THE MATTER.

IN RESPONSE TO HIS QUESTION, WE SAID THAT WE HAD APPROACHED

~~SECRET~~

Classification

THE SOVS ON DEC 31, AFTER HAVING LONG DEFERRED THE CONTACT IN THE HOPE IT WAS UNNECESSARY, AND OUT OF CALCULATION THAT IT MIGHT REDUCE EAST GERMAN FLEXIBILITY. IN THE TALK WITH THE RUSSIANS WE HAD ONLY ASKED FOR THEIR GOOD OFFICES, AND MADE NO REFERENCE TO THE CONTENT OF PREVIOUS INFORMAL TALKS WITH KAUL, OR TO THE LAWYERS' EXCHANGE.

GP-3 MCGHEE

ACTION TAKEN:

NO ACTION
REQUIRED I/6

DATE _____

INITIALS _____

013/8/2/sc

TELEGRAM

Foreign Service of the
United States of America

10/2

OUTGOING US MISSION, BERLIN

FILE ROOM COPY

PL 29

Charge:

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Classification

Control: 006

DIST:
EAS-3
MIN-3
USCOB
ASAG
IO/U
F&R

Date: 4 January 1965
1745 Hours

ACTION: SecState WASH PRIORITY 854

INFO: Amembassy BONN 744 This document consists of 2 pages

SUBJECT: John van Altena Number 1 of 10 copies, Series

REF: Berlintel 852 to Dept, 741 to Bonn

Mission officer saw Senatsrat Korber Jan 4 -- Korber will be negotiating on lawyers' exchange deal with East -- to make clear that in Allied view van Altena release was condition for lifting ban on Kaul's entry into West Berlin. (We received specific British and French confirmation of this point earlier in day.) Korber expressed understanding of US views on case, and did not in any way demur to establishment of close link between two aspects. Mission officer said that Korber could in his negotiations with East refer to fact that Allied condition for lifting ban on Kaul had already been conveyed through von Winterfeld channel. Latter has already been made aware of fact of link in US view, and Mission officer will reinforce this point when, as is planned, he hears from Winterfeld on conclusion van Altena trial Jan 5. We feel, in short, that there is no doubt left on matter on any side here.

006/wdk

Korber said East has not replied to his communication

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Charge:

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Classification

Control: 006

-2-

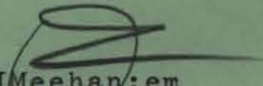
Date:

suggesting meeting after Jan 6, but he believes he will hear shortly. He confirmed that he will raise lawyers' deal at meeting.

GP-3.

CALHOUN

AUTH: FJMeehan


EAS:FJMeehan:em
4/1730 JANUARY

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ECON
USIS
ASAG
IO/U
CONS
F&R~~SECRET~~

Charge:

Classification

Control: 001

ACTION: SecState WASHINGTON 852 PRIORITY
INFO: AmEmbassy BONN 741 ROUTINE
SUBJECT: John van Altena
REF: Deptel 1873 to Bonn, 530 to BerlinDate: 2 Jan. 1964
2:00 P.M.

We believe Senat is fully aware of connection we make between lawyers' deal and van Altena release, and themselves attach importance to link in sense they are anxious to realize deal, which is one of Brandt's "small steps." It should at same time be borne in mind that balance of advantage in realization of lawyers' deal is generally thought to be on Western side. East is primarily interested in deal as means of cracking ban on Kaul's entry to West Berlin. Apart from this aspect, Eastern interest probably less than Senat's. Other Eastern lawyers--Vogel, for example--are already licensed to practice in West Berlin and can do so at any time if permitted by GDR regime. Thus, lifting ban on Kaul is chief leverage available to Senat to bring about deal (and to us in bringing about van Altena's release through lawyers' deal). It is difficult to say how much East interested at present time in cracking ban on Kaul. Kaul himself has of course been active in suggesting to von Winterfeld that Eastern interest is high, but there is possibility that he has been exaggerating official Eastern interest for his own private purposes. (Vogel has suggested that this may be case.) Clarification this point will presumably only emerge from discussions between Senat and East German representatives on lawyers' deal due early this month.

We intend to pursue matter actively Monday, January 4, with British and French, Senat, and von Winterfeld in order to make clear our interest in obtaining van Altena release in connection lawyers' deal.

GP-3

EAS:FJMehan/l1c

CALHOUN

001/15/1/sc

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15/1

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ACTION TAKEN:

Copy Number: _____

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ACTION:
EAS-3

Authority NND 67230
By BKT/NC on 2 May 2013

Handwritten: New matter
Handwritten: PCL 29

Classification

Control: 343

INFO:
USCOB
MIN-3
POL-2
ECON
USIS
ASAG
IO/U
CONS
F&R

P R I O R I T Y

NO ACTION
REQUIRED

Handwritten: I/2

Recd: 1 JAN. 1965
1:15 P.M.

DATE _____
INITIALS _____

FROM: DEPARTMENT

NO: 530 - 31 DECEMBER 1964, 5:00 P.M.

ACTION PRIORITY BERLIN 530 BONN 1873

SUBJECT: JOHN VAN ALTENA

AFTER REVIEWING CONSIDERATIONS RAISED BY EMBASSY IN CONNECTION WITH PROPOSAL TO SUGGEST IMPLICIT CONNECTION BETWEEN SYNTHETIC FIBER PLANT NEGOTIATIONS AND RELEASE VAN ALTENA, DEPT AGREES THIS APPROACH SHOULD NOT RPT NOT BE MADE. PROPOSAL WAS SUGGESTED IN ORDER LEAVE NO AVENUE UNEXPLORED IN OUR EFFORTS TO SECURE VAN ALTENA RELEASE.

WITH RESPECT TO EMBASSY STATEMENT THAT US INTEREST IN VAN ALTENA QTE HAS NOT BEEN PARTICULARLY TAKEN INTO CONSIDERATION IN SENAT AND WEST GERMAN DELIBERATIONS ON THE MATTER OF LAWYER EXCHANGE UNQTE, DEPT BELIEVES WE SHOULD MAKE OUR POSITION QUITE CLEAR WITH WEST GERMANS. THUS EMBASSY AND MISSION SHOULD CONSIDER SOONEST FEASIBILITY INFORMING WEST GERMANS THAT WE ARE DISTURBED AT THEIR APPARENT FAILURE TO ATTACH SUFFICIENT IMPORTANCE TO LINK BETWEEN LAWYERS EXCHANGE AND VAN ALTENA'S RELEASE, AND THAT WE WOULD FIND IT DIFFICULT TO SUPPORT LAWYERS' EXCHANGE -- PARTICULARLY ANY INCLUSION OF KAUL IN EXCHANGE -- AT A TIME WHEN VAN ALTENA HAD BEEN SENTENCED TO LONG PRISON TERM. WE HOPE WEST GERMANS WILL RESPOND BY PRESSURING EAST GERMANS THROUGH VON WINTERFELD. IT IS ESPECIALLY IMPORTANT NOW THAT VAN ALTENA TRIAL IMMINENT THAT LEVERAGE AFFORDED BY MUTUAL EAST-WEST DESIRE LAWYER EXCHANGE NOT BE LOST.
GP-3 RUSK

343/15/1/se

~~SECRET~~

Handwritten: wsh

TELEGRAMForeign Service of the
United States of America

14/3

OUTGOING

US MISSION, BERLIN

COPY NUMBER:

EAS-3

USCOB

MIN-3 Charge:

POL-2

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ASAG

IO/U

F&R

ACTION: SecState WASH 850 PRIORITY

INFO: Amembassy BONN 739

SUBJECT: John van Altena

REF: A.) Deptel 1861 to Bonn, 527 to Berlin
B.) Bonn tel 2458 to Dept, 727 to Berlin~~SECRET~~

Classification

FILE ROOM COPY

Control: 138

POL 29

Date: 31 Dec. 1964

5:00 P.M.

Mission fully appreciates and shares Dept's concern in van Altena case as conveyed ref A.

Following telecon with Emb Bonn, Mission protocol officer (Meehan) broached van Altena with Sov Emb East Berlin official Rayevich who called at Mission Dec 31 to convey New Year's greetings on behalf of Panin. Without going into circumstances of van Altena's arrest, Meehan said we understood he was about to be brought to trial, and asked Sovs, on behalf of American Chargé in Bonn, to use good offices to bring about his release. Meehan stressed concern felt by US over case, and requested that Abrasimov (who reappeared publicly in East Berlin Dec 29) be informed. Rayevich promised to do so. He made no comment on matter.

We are not sanguine that approach to Sovs will do any positive good, although it is just conceivable that they might be

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Control: 138

-2-

Date:

interested in interceding with East Germans in some fashion as favor to us. In any case, we do not believe that approach to Sovs at this stage will do any harm, and it satisfies principle of exploring every avenue.

In the light of our experiences with GDR handling of earlier prisoner cases, suggestions contained in numbered para one ref A seem to us of somewhat doubtful utility. Embassy Bonn has already expressed certain reservations (ref B) on fiber plant aspect which seem cogent to us. We would confine ourselves to additional observation that if explicit connection between van Altena and fiber plant deal were not rpt not made, East Germans would hardly be impressed by mere reference to fact US government is under pressure. Such pressure stems from FRG government, and East German regime is never disturbed by anything which produces strains in Washington-Bonn relations.

As to question of GDR image, regime has not to our knowledge shown any concern in past on this issue in relation to prisoner cases. Nor has regime shown any regard for US (or other) prisoners on account of youth. Dept will recall that Robert Mann was at

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Control: 138


-3-

Date:

time of his arrest even younger than van Altena, yet had to
serve out his sentence despite repeated appeals for clemency.

GP-3.

CALHOUN

AUTH: FJMeehan 

138/14/3/sc

EAS:FJMeehan:em
31/1700 DECEMBER

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12

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Authority NND 67230

By BKT/NC on 2 May 2013

~~SECRET~~

Classification

This document consists of 2 pages
Number 1 of 12 copies, Series H

Control: 334

Recd: 31 DEC 64
1435 HOURS

ACTION:
EAS-3 ✓
INFO:
MIN-3
USCOB
POL-2
ASAG
IO/U
F&R

FROM: BONN

NO : 727, DECEMBER 31, 2PM

I M M E D I A T E

ACTION DEPT IMMEDIATE 2458 INFO BERLIN IMMEDIATE 727

REF: DEPTEL 1861

SUBJ: VAN ALTENA

ACTION TAKEN:	
<input checked="" type="checkbox"/>	NO ACTION REQUIRED
DATE	
INITIALS	XG/31

EMBASSY AGREES WITH DEPT THAT UNSATISFACTORY OUTCOME OF OUR REPRESENTATIONS TO DATE REQUIRES FURTHER EFFORT BASED ON SOME NEW DEPARTURE. WE THEREFORE AGREE WITH THE DEPT'S PROPOSALS, ALTHOUGH THE SUGGESTION OF A CONNECTION BETWEEN VAN ALTENA'S RELEASE AND LICENSING OF THE SYNTHETIC FIBER PLANT RAISES CERTAIN QUESTIONS AS TO WHAT COURSE OF ACTION WE WOULD PURSUE SHOULD THE EAST GERMANS IGNORE IT:

A. IF THE LITWIN PROJECT WERE TO BE SERIOUSLY USED AS LEVERAGE, WOULD WE BE PREPARED TO APPROACH THE LITWIN REPRESENTATIVES TO HOLD UP THEIR FINAL TALKS ON THE CONTRACT, SCHEDULED FOR EARLY JANUARY, UNTIL AFTER BEGINNING OF THE TRIAL?

B. ALTERNATIVELY, DO WE LET THEM PROCEED IN IGNORANCE OF THE APPROACH WE HAVE MADE?

C. IN THE LATTER CASE, WOULD WE BE PREPARED, IF NECESSARY TO DENY THE LICENSE AFTER THE FINAL CONTRACT IS SIGNED?

IT SEEMS TO US THAT WE WOULD MAXIMIZE THIS LEVERAGE IF WE COULD URGE THE LITWIN REPS TO POSTPONE, WITHOUT EXPLANATION TO THE GDR, ANY MEETINGS SCHEDULED FOR JANUARY. HOWEVER, WE CANNOT JUDGE THE FEASIBILITY OF SUCH US GOVT INTERVENTION WITH A PRIVATE FIRM, AND THIS MIGHT OVER-COMPLICATE OUR MANAGEMENT OF AN ALREADY COMPLICATED AFFAIR.

334/wdk

~~SECRET~~

Classification

~~S E C R E T~~

PAGE TWO BONN'S 727

CONTROL: 334

IF OUR CONNECTION OF THE TWO MATTERS RESULTS IN A GDR RELEASE OF VAN ALTENA, IT WOULD BE NECESSARY FOR US TO "DELIVER" THE LICENSE. THIS IN TURN WOULD PROBABLY BECOME KNOWN, AND LEAD TO CHARGES OF A "DEAL". THE EMBASSY CONSIDERS THAT WE COULD HANDLE GOVT COMPLAINTS ON THIS SCORE, BY INFORMING THEM THAT US INTERESTS REQUIRED THE MOVE AFTER OTHER RECOURSE HAD FAILED. PRESS AND PUBLIC REACTION, HOWEVER, COULD BECOME SHARPLY CRITICAL IF THE LITWIN LICENSING MATTER IS TOO COMPLICATED TO USE, PERHAPS THERE ARE OTHER LICENSES, OR ADDITIONAL WHEAT ORDERS, WHICH COULD BE USED FOR THE PURPOSE. IN THE WHOLE MATTER, WE CANNOT ESCAPE THE FEELING THAT THE LITWIN PROJECT HAS ALREADY BROUGHT US INTO SO MUCH HOT WATER IN THE FRG THAT WE RUN THE RISK OF INCREASING THE DIFFICULTIES ON THIS SCORE IF WE INTERJECT IT INTO THE VAN ALTENA CASE. IF IT PUTS US INTO THE POSITION OF HAVING TO FISH OR CUT BAIT, WE WOULD HAVE CREATED BIGGER PROBLEMS THAN WE ARE ALREADY CONFRONTED WITH.

AS TO WORDING, IT SEEMS TO US PREFERABLE SIMPLY TO STATE THAT THE ACTION WOULD BE HIGHLY UNPOPULAR WITH THE US PUBLIC, RATHER THAN TO TALK ABOUT A "GDR" IMAGE SUGGESTING THAT A FAVORABLE PICTURE EXISTS WHICH COULD BE DAMAGED.

WE SEE NO OBJECTIONS TO AN APPROACH TO PANIN. BALANCING OFF THE TWO CONSIDERATIONS, THAT IT MIGHT REDUCE EAST GERMAN FLEXIBILITY (WHICH IS ONLY A POSSIBILITY), AGAINST THE FACT THAT THE USG WILL BE OBLIGED TO RESORT TO FURTHER MEASURE IN EVENT OF A LONG SENTENCE BEING GIVEN, WE THINK THE LATTER IS OVERRIDING. THE CHARGE HAS ACCORDINGLY, AT USBER'S SUGGESTION, AUTHORIZED AN APPROACH IN HIS NAME AT A MEETING WITH A SOVIET EMBASSY REPRESENTATIVE SCHEDULED FOR TODAY ON ANOTHER MATTER.

WE HAVE LITTLE OR NO LEVERAGE IN SUCH MATTERS, AND EXPECTATIONS OF GAINING SOME IN THIS CASE THROUGH EAST-WEST GERMAN DEALINGS HAVE BEEN SUCCESSIVELY DISAPPOINTED. IT IS OUR JUDGMENT THAT THE US INTEREST HAS BEEN CYNICALLY MANIPULATED BY KAUL, AND HAS NOT BEEN PARTICULARLY TAKEN INTO CONSIDERATION IN SENAT AND WEST GERMAN DELIBERATIONS ON THE MATTER OF LAWYER EXCHANGE. PENDING THE OUTCOME OF THE VAN ALTENA CASE, WE SHOULD CONSIDER HOW WE CAN BEST REGISTER OUR SENTIMENTS ON THIS WITH THE WEST GERMANS.

GP-3 HILLENBRAND

~~S E C R E T~~

TELEGRAM

Foreign Service of the
United States of America

14/1

INCOMING

U.S. MISSION BERLIN

FILE ROOM COPY

ACTION: DECLASSIFIED
EAS-3 Authority NND 67230
By BKT/NC on 2 May 2013

~~SECRET~~

Classification

Control:

327

Recd: 31 DEC. 1964
02:45 A.M.

INFO:
USCOB I M M E D I A T E
MIN-3
POL-2 -----

~~ASAG~~ FROM: DEPARTMENT
IO/U

COPY NO. 1

~~F&R~~ NO: 527 - 30 DECEMBER 1964, 6:00 P.M.
~~CONS~~

ACTION BIMMEDIATE BERLIN 527 BONN 1861

BERLINTEL 840, INFO BONN 729

SUBJECT: JOHN VAN ALTENA

IT NOW APPEARS THAT DESPITE CONVINCING SERIOUSNESS SENAT DETERMINATION TO PROCEED WITH LAWYER EXCHANGE AND LETTER THIS EFFECT TO KAUL, GDR FULLY INTENDS BRING VAN ALTENS TO TRIAL JAN 5. SHOULD VAN ALTENA BE SENTENCED TO LENGTHY PERIOD IMPRISONEMENT (AS APPEARS VERY LIKELY) SERIOUS PUBLIC RELATIONS REACTION CAN BE EXPECTED HERE US. WHILE DEPARTMENT FULLY APPRECIATES ALL EFFORTS THUS FAR MADE BY MISSION IN THIS REGARD, IT SUGGESTS FOLLOWING COURSES ACTION FOR URGENT CONSIDERATION OF MISSION:

1. MAKE KNOW TO KAUL THROUGH VON WINTERFELD THAT EAST GERMAN IMAGE WITH AMERICAN PUBLIC WILL SUFFER GREATLY AS RESULT TRIAL AND IMPRISONMENT QTE AMERICAN HARDLY OLD ENOUGH TO KNOW WHAT HE WAS DOING UNQTE.

POINT OUT TO VON WINTERFELD THAT TRIAL SCHEDULED JUST AT TIME WHEN US GOVT UNDER CONSIDERABLE PRESSURE DUE TO US APPROVAL LICENSE PERMITTING RE-EXPORT OF TECHNICAL DATA IN CONNECTION WITH CONSTRUCTION OF SYNTHETIC FIBER PLANT IN EAST GERMANY. NO EXPLICIT CONNECTION SHOULD

2. ALTHOUGH MISSION APPROACH THROUGH PENJN HITHERTO REGARDED AS COMPLICATING FACTOR IN NEGOTIATIONS RELEASE VAN ALTENA, APPROAC THIS CHANNEL MAY NOW APPEAR DESIRABLE. GP-3 RUSK

Note: USBER Duty Officer called 31/0250 sc

ACTION: *Reply drafted 12/31*

~~SECRET~~

Classification

IMMEDIATE
SERVICE

~~SECRET~~

FROM: COMMUNICATIONS/WDK/ IN-COMING SERVICE FROM DEPARTMENT

TO : EAS-3 CYS ✓
USCOB
MIN-3 CYS
POL-2 CYS
USIS
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CONS
F AND R

RECEIVED: 31 December 1964
1215 HOURS

This document consists of 1 pages
Number 1 of 14 copies, Series A.

SUBJECT: CORRECTION TO IN-COMING TELEGRAM FROM DEPT - NO. 527.
DTD 30 DEC 64, 6PM, CONTROL NUMBER 327

PARAGRAPH THREE IS INCORRECT AS READS. SHOULD READ AS FOLLOWS:

".....OF SYNTHETIC FIBER PLANT IN EAST GERMANY. NO EXPLICIT
CONNECTION SHOULD BE MADE BETWEEN VAN ALIENA RELEASE AND CON-
CLUSION OF NEGOTIATIONS FOR SYNTHETIC FIBER PLANT.

2. ALTHOUGH MISSION APPROACH THROUGH....." ETC, ETC.

DEPARTMENTS ARE REQUESTED TO ATTACH A COPY OF THIS CORRECTION
TO THEIR COPIES OF THE ORIGINAL MESSAGE.

~~SECRET~~

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14/2

OUTGOING

US MISSION, BERLIN

00126 Pol 29

EAS-3

Copy No. 1

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USIS
CONS
F&R

Charge:

~~SECRET~~
Classification

Control: 126

Date: 29 Dec. 1964
6:00 P.M.

ACTION: SecState WASH 840

INFO: Amembassy BONN 729

SUBJECT: John van Altena

REF: Berlintel 833 to Dept, 723 to Bonn

Von Winterfeld informed Mission Dec 29 that he conveyed Senat-authorized message to Kaul on lawyers' deal Dec 23. Kaul has replied that message is "completely worthless" on account of lack of binding commitment on deal. He confirmed that trial set for Jan 5 and that he will conduct defense. Winterfeld expects to talk with Kaul after trial (Kaul is due in Frankfurt/Main for Auschwitz trial Jan 6).

Comment. Message as authorized by Senat was to effect that (1) there is reason to believe that lawyers' deal will be realized in January, and (2) all preparatory internal work on Western side has been successfully completed. Language of message hardly seems justify Kaul evaluation that it was worthless because not binding. Senat has in any case been in touch with East Berlin attorney Vogel since it got green light for lawyers' deal from Bonn, and East authorities must therefore be aware through this channel of seriousness of Senat's intention to proceed with deal. Possibly

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Charge: SECRET
Classification Control: 126
-2- Date:

preparations for van Altena trial had proceeded too far to be stopped by time Kaul got message. Possibly also he has not in fact as much control of van Altena as he led Winterfeld to believe.

In practical terms, we now face trial Jan 5 and, also in early January, discussions between Senat and East German representatives on implementation of lawyers' deal. Will obviously be important to ensure that van Altena release is directly related to final Western agreement to proceed with deal.

When I saw Gov Mayor today on other matters I summarized main developments reported above, which are also being conveyed to Spangenberg by Winterfeld. Brandt said he would talk to Spangenberg about matter and we will follow up with latter.

GP-3.

CALHOUN

AUTH: FJMeehan

126/14/2/sc

EAS:FJMeehan:M:JACalhoun:em
29/1745 DECEMBER

~~SECRET~~

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INCOMING US MISSION BERLIN

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Authority NND 67230

By BKT/NC on 2 May 2013

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Classification

Poi 29

Control: 169

ACTION:

EAS-3

INFO:

AMB

MIN-3

POL-2

USCOB

A3AG

IO/U

F&R

FROM: DEPARTMENT

NO : 490, 15 DECEMBER 5PM

ACTION BERLIN 490 BONN 1746

REF: BERLINTEL 747, EMBTEL 2143

SUBJ: JOHN VAN ALTENA

Recd: DEC 16 1964
0800

DEPT INCREASINGLY CONCERNED APPARENT LACK PROGRESS EAST-WEST BERLIN LAWYER EXCHANGE PROPOSAL UPON WHICH RELEASE VAN ALTENA UNDERSTOOD TO HINGE. TO SOME EXTEN DIFFICULTY SEEMS TO ARISE FROM LACK COMMUNICATION BETWEEN WORKING LEVELS OF SENAT AND OF ATTOMGERMAN AFFAIRS MINISTRY. DOES EMBAEDE BELIEVE LOG-JAM COULD BEBROKEN EITHER BY APPROACHES TO GERMAN EMBASSY HERE OR BY HIGH-LEVEL REPRESENTATIONS IN BONN?

MISSION REQUESTED FURNISH LATEET INFORMATION ON STATUS VAN ALTENA WITH PARTICULAR REGARD TO CONSIDERATIONS MENTIONED LAST PART BERLINTEL 747.

GP-3

BALL

ACTION TAKEN:

NO ACTION
REQUIRED

DATE _____

INITIALS _____

TELEGRAM

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Charge:

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Classification

Control: 075

-2-

Date:

In discussion with Ambassador and myself on December 16, Brandt elaborated on above. He explained that, starting from widely differing views re number of lawyers to be involved, Federal government and Senat now had compromised on proposal to designate four lawyers from each side. Re channel, Brandt expressed strong preference for International Red Cross representative. However, East Germans had indicated (through East Berlin lawyer Vogel) that this would be unacceptable to them and that they preferred use of Korber-Wendt channel. Brandt added that Bonn had now agreed to use of this channel.

I asked Brandt whether it was not now possible -- in view apparent likelihood that Senat and FRG authorities would reach agreement very shortly on lawyers' exchange ^{for Senat} -- to authorize von Winterfeld to send letter ~~xxxxxxxxxx~~ to Kaul indicating that exchange approved in principle. It will be recalled (para. 2 Berlintel 747 to Dept., 651 to Bonn) that von Winterfeld informed Mission that such communication would in itself be sufficient to bring about van Altena's release. Brandt reacted positively to suggestion, without, however, ^{committing} ~~xxxxxxxxxx~~ himself finally, presumably because he first wished to check with officials

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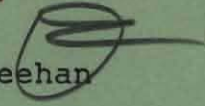
-3-


Date:

(principally Spangenberg) working on details of deal. We
intend to follow ^{up} with Spangenberg on this point. ~~XXXXXXXXXXXX~~

GP-3.

CALHOUN 

AUTH: FJMeehan 


POL: LHeichler/EAS: FJMeehan: eo
16 DECEMBER 1530

075/15/1/sc

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INCOMING

UM U.S. MISSION BERLIN

COPY NO. 1

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FILE ROOM COPY

ACTION: Authority NND 67230
EAS 3 By BKT/NC on 2 May 2013

~~SECRET~~
Classification

Control: 58

Pol 29

INFO: FROM: BONN
MIN 3
USCOB NO: 621 - DECEMBER 4 - 5PM
POD 2
ASAG ACTION BERLIN 621 INFO DEPT 2143
IO/U
F&R SUBJ: JOHN VAN ALTENA

Recd: December 4, 1964
1830 HOURS

REF: BERLIN'S 747

IN THE LIGHT OF THE INFO CONTAINED IN THE REPTEL, WE HAVE AGAIN APPROACHED THE FONOFF (ONCKEN) RE THE STATUS OF THE LAWYERS EXCHANGE PROPOSAL. ONCKEN MADE URGENT INQUIRIES BOTH WITH THE MINISTRY OF ALL-GERMAN AFFAIRS AND THE BONN SENAT OFFICE AND HAS NOW INFORMED US AS FOLLOWS:

THE LAWYERS EXCHANGE PROPOSAL IS UNDER ACTIVE CONSIDERATION IN THE MINISTRY OF ALL-GERMAN AFFAIRS AND OTHER MINISTRIES CONCERNED. THE FONOFF IS NOT RPT NOT INCLUDED. THE BONN SENAT OFFICE IS NOT FULLY IN THE PICTURE. (WE TALKED INFORMALLY YESTERDAY TO SENATSDIREKTOR HARTKOPF WHO SAID THE SENAT WAS STILL IN THE PROCESS OF SELECTING THE LAWYERS TO BE INCLUDED.) KRAUTWIG IS IN BERLIN TODAY AND PRESUMABLY WILL BE DISCUSSING THE MATTER FURTHER THERE. THE AUTHORITIES CONCERNED IN BONN, I.E. THE ALL-GERMAN AFFAIRS MINISTRY, CONSIDER THAT CONTACT WITH THE US ON THIS MATTER SHOULD BE MAINTAINED IN BERLIN SINCE THE SENAT REMAINS PRIMARILY RESPONSIBLE AND SPANGENBERG IS FULLY INFORMED ON ALL DEVELOPMENTS.

COMMENT: CASES SUCH AS THIS ARE HANDLED AT THE STATE SECRETARY LEVEL IN THE MINISTRY OF ALL-GERMAN AFFAIRS WHEREAS IN THE FONOFF NO ONE OF COMPARABLE RANK IS INVOLVED. THIS MAKES LIAISON BETWEEN THE TWO MINISTRIES UNSATISFACTORY. UNDER THE CIRCUMSTANCES WE BELIEVE SPANGENBERG IS LIKELY TO BE THE BEST CHANNEL IN THIS CASE.

GP-3

MCGHEE

58/taf

ACTION TAKEN:

NO ACTION REQUIRED

DATE 12/5

INITIALS [Signature]

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ACTION:
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Authority NND 67230
By BKT/NC on 2 May 2013

Classification

Control: 024

Recd: 3 DEC. 1964
07:30 A.M.

INFO:
USCOB
FIN-3
POL-2
ECOM
USTS
ASAG
IO/U
CONS
P&R

FROM: DEPARTMENT

NO: 449 - 2 DECEMBER 1964, 1000

ACTION BERLIN 449 INFO BOMB 1600

REF: BERLINTEL 7-9

SUBJ: JOHN VAN ALTEMA

DUE CONGRESSIONAL INTEREST AND NECESSITY COORDINATE NEWS
RELEASE, MISSION REQUESTED SEEK CLEARANCE FROM DEPARTMENT PRIOR
MAKING ANY PRESS STATEMENT ON VAN ALTEMA CASE.
HARRIMAN

ACTION TAKEN:

NO ACTION
REQUIRED X 11/3

DATE _____

INITIALS _____

024/15/1/60

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14/3/wdk

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Charge:

ACTION: SecState WASH
~~XXXXXXXXXXXX~~ 721
Amembassy BONN
INFO: ~~XXXXXXXXXXXX~~ 651

Date: DECEMBER 3 1964
1715 hrs

SUBJECT: John Van Altena

REF: Berlintel 721 to Dept, 622 to Bonn
Davis (Bonn) - Meehan (Berlin) Dec 3 Telecon

Mission officer called Berlin Senat Chief of Chancery Spangenberg Dec 2 to inquire re status of East-West Berlin lawyers' exchange proposal. Spangenberg said he had discussed matter with State Secretary Krautwig of All-German Affairs Ministry Nov 30. Without going into details of his discussion with Krautwig, Spangenberg indicated that he was hopeful that decision to proceed with exchange would be forthcoming. He gave us to understand that issue would be subject to further high-level discussion in Bonn. When asked as to timing, Spangenberg said he hoped that a decision would be reached "in next week." He said he hoped it would be possible by then to let East know through lawyers that firm decision had been reached in principle to proceed with exchange and, on this basis, bring about Van Altena release. Spangenberg said he would communicate with Mission as soon as he had anything further to report.

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Date:

Von Winterfeld informed Mission Dec 2 that Kaul told him Nov 26 that East would release Van Altena if Winterfeld were authorized to make written statement (1) that West agreed to lawyers' deal in principle, although (2) it was uncertain when deal would come into force. Winterfeld told Spangenberg immediately of Kaul Nov 26 offer, which he (Winterfeld) regards as considerable concession, and Spangenberg said he would enquire whether Winterfeld could be given such authorization. Presumably this is issue which now subject further discussion in Bonn.

Winterfeld told Mission there are two new factors which make quick decision desirable. (1) Van Altena has been transferred to jurisdiction of East Berlin city court. In Winterfeld view, transfer is grounds for concern that ability of security authorities to release Van Altena without trial might lapse, or other difficulties might arise. (2) Kaul has been hospitalized through mid-December at least. Winterfeld apparently believes Kaul's hospitalization could have unfortunate effect on case, presumably because Kaul's influence -- which, according Winterfeld, is in favor of Van Altena release as part of lawyers'

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Control: 014

-3-


Date:

deal -- would be weakened.

Embassy may wish to inquire whether decision on deal is likely to be forthcoming quickly.

GP-3.

CALHOUN

AUTH: FJMeehan 

EAS:FJMeehan:em
3/1645 DECEMBER

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Authority NND 67230

By BKT/NC on 2 May 2013

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ACTION TAKEN:

COPY NO. 1

~~Classification~~

Control: 357

Recd: NOV 24, 1964
6PM

ACTION 2A3
INFO
MIN3
USCOB
POL2
USIS
IO
ECON
ASG
F&R

FROM: BONN

NO : 594 NOV 24, 4PM

SUBJ: JOHN VAN ALTEMA

REF: BERLIN'S 721

NO ACTION
REQUIRED

DATE

INITIALS

x1/25

Poc 29

IN VIEW OF THE DIFFERING BONN AND BERLIN VERSIONS OF WHERE THE LAWYER EXCHANGE QUESTION STANDS, WE TOOK ADVANTAGE OF A SOCIAL OCCASION LAST NIGHT TO QUESTION SENAT DIRECTOR HARTKOPF AND MEMBERS OF HIS STAFF ON THE MATTER. THEY INSISTED THAT THE DEVELOPMENT OF A LAWYER EXCHANGE PLAN REMAINS THE SENAT'S RESPONSIBILITY. THERE HAVE BEEN CONVERSATIONS IN BONN WITH THE ALL GERMAN AFFAIRS MINISTRY TO ENSURE THAT THE SENAT DID NOT GET OUT OF LINE WITH BONN'S THINKING. ONCE A FINAL PLAN IS FORMULATED, CONCURRENCE OF THE ALL GERMAN AFFAIRS MINISTRY WILL BE SOUGHT. THE SENAT, HOWEVER, IS PRESENTLY WORKING OUT THE DETAILS.

HARTKOPF'S ASSISTANT INDICATED THAT THE ALL GERMAN AFFAIRS MINISTRY HAD NO PROBLEM WITH THE EXCHANGE CONCEPT AND WAS WILLING TO GO ALONG WITH KAUL'S INCLUSION. IN BERLIN THE SENAT HAD GAINED THE IMPRESSION THAT THE ALLIES WOULD LIFT THE BK/O AGAINST KAUL IF THEY WERE REQUESTED, BUT THAT THE US SIDE DID NOT WISH TO FORCE A LAWYERS' EXCHANGE ARRANGEMENT JUST TO ACHIEVE VAN ALTEMA'S RELEASE. WE SAID THE US WAS MOST ANXIOUS TO FACILITATE VAN ALTEMA'S RETURN BUT WE DID NOT WISH TO PRESSURE THE SENAT TO TAKE ACTION AGAINST ITS WILL.

WE GAINED THE IMPRESSION THAT A GOOD BIT OF DISCUSSION IS STILL GOING ON IN BERLIN AND BETWEEN BERLIN AND BONN ON THE IDENTITY OF LAWYERS TO BE INCLUDED IN THE EXCHANGE AND ON CERTAIN LEGAL PROBLEMS INVOLVED, INCLUDING THE ADMISSIBILITY OF THE LAWYERS TO THE COURTS WHERE THEY WOULD PRESUMABLY NEED TO PLEAD CASES. THE SENAT OFFICE IN BONN DID NOT SEEM TO KNOW THAT KAUL HAD REJECTED THE IDEA OF A TRANSIT ARRANGEMENT FOR HIMSELF ALTHOUGH IT IS FAMILIAR WITH VON WINTERFELD'S ROLE.

GP-3 HILLENBRAND

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18/2

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(USIA)
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Charge:

~~SECRET~~

Classification

Control: 132

Date: 20 Nov. 1964
6:30 P.M.

Page 29

ACTION: SecState WASHINGTON 721

This document consists of 2 pages.
Copy 1 of 18 copies. Series A.

INFO: Amembassy BONN 622

SUBJECT: John van Altena

REFERENCE: Berlintel 711 to Dept., 618 to Bonn

I discussed van Altena case in relation to lawyers' exchange proposal with GovMayor Brandt Nov. 20.

GovMayor expressed sympathy with our desire to bring about van Altena release. In reply to my question as to present lawyers' status of ~~lawyers'~~ exchange, he said that discussions were taking place in Bonn between Senat liaison office there (Hartkopf) and All-German Affairs Ministry. Brandt said that Ministry wants to raise number of lawyers on both sides, and also to differentiate between lawyers who would be available for criminal cases and others who would handle only economic cases. (Von Winterfeld has indicated that this is in fact Ministry's position.) Brandt indicated that he was not in favor of such differentiation but did not give impression of holding very strong views on matter. Besides these considerations, Bonn discussions were also concerned with Kaul, since from East viewpoint he was clearly intended

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Control: 132

2

Date:

to figure in exchange.

Brandt indicated that following discussion at Hartkopf level, question of exchange would be referred to committee of state secretaries. He promised to try to move matters along, and instructed Senat chief of chancery Spangenberg to take matter up with Senator Schuetz Saturday and to get in touch with Mission hopefully early next week to discuss status of Senat-FRG consultations. (Brandt will be entire week at Karlsruhe SPD meeting.)

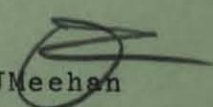
Gov Mayor said he hoped to be able to associate IRC representative Beckh with any deal involving Kaul's readmission to West Berlin. IRC recommendation in favor of lawyers' exchange--which, he said, had been made by Beckh in past -- would make it much easier for Senat and West Berlin public to "swallow" Kaul.

Brandt said he had impression that Allies in Berlin would agree to lifting of ban on Kaul ~~in exchange~~ if Senat so requested. I confirmed that this was also my impression from informal discussion with my British and French colleagues.

GP-3

CALHOUN

20 NOV 1800
EAS:FJMeehan:pag

AUTH: FJMeehan 

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ACTION:
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P R I O R I T Y

Classification

Control: 317

This document consists of 2 pages.
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Recd: 20 NOV. 1964
5:30 P.M.

Authority NND 67230

By BKT/NC on 2 May 2013

FROM: BONN

NO: 585 - 20 NOVEMBER 1964, 5:00 P.M.

ACTION PRIORITY BERLIN 585 INFO DEPT 1992

SUBJECT: JOHN VON ALTENA

REF: BERLIN'S 711 TO DEPT

WE DISCUSSED YESTERDAY WITH THE FONOFF (ONCKEN) THE FURTHER DEVELOPMENTS IN THE VON ALTENA CASE, AS DESCRIBED IN THE REF-TEL. ONCKEN SAID THAT THE FONOFF HAD STILL RECEIVED NO INFORMATION ON THIS MATTER FROM GERMAN SOURCES, ALTHOUGH IT HAD REPORTED TO ITS REPRESENTATIVE IN BERLIN THE DISCUSSION AT THE NOV 12 BONN GROUP MEETING (EMBTel 560 TO BERLIN, 1888 INFO BEPT). ONCKEN DID NOT DOUBT THAT WINTERFELD HAD HAD CONTACT WITH CERTAIN PEOPLE IN BONN, BUT SAID THAT IN SUCH CASES IT WAS SOMETIMES ADVANTAGEOUS FOR THE FONOFF NOT TO BE INFORMED.

ONCKEN UNDERTOOK TO CHECK WITH THE BONN REPRESENTATION OF THE BERLIN SENAT AND HAS NOW INFORMED US THAT THE SENAT OFFICE IS FULLY AU COURANT. THE SENAT HAS NOT RPT NOT REFERRED THE LAWYER EXCHANGE QUESTION TO BONN BUT IS HANDLING IT AS A SENAT MATTER IN BERLIN. THE NUMBER OF LAWYERS IN THE SENAT'S PROPOSAL IS FIVE ON EACH SIDE, RATHER THAN FOUR. ACCORDING TO THE SENAT OFFICE, IT IS NOT YET CERTAIN THAT AN AGREEMENT CAN BE REACHED WITH THE EAST GERMANS. AT PRESENT, THE MAIN PROBLEM IS THE SELECTION OF THE LAWYERS ON EACH SIDE. APPARENTLY THE SENAT HAS NOT YET DECIDED WHETHER TO AGREE TO THE INCLUSION OF KAUL.

ONCKEN SAID THAT SINCE THE SENAT RATHER THAN THE FRG WAS "OFFICIALLY" HANDLING THE EXCHANGE QUESTION, HE THOUGHT US-GERMAN CONSULTATION SHOULD BE CENTERED IN BERLIN. WE ASKED IF WE COULD ASSUME THAT IF THE FRG HAD ANY OBJECTIONS TO A LAWYER EXCHANGE TO INCLUDE KAUL, THE FONOFF WOULD INFORM THE EMBASSY. ONCKEN SAID YES BUT REITERATED THAT THE MATTER WAS IN THE SENAT'S HANDS. ONCKEN AGAIN SAID THAT IN HIS VIEW, FIRST PRIORITY SHOULD BE GIVEN TO

~~SECRET~~

Classification

OBTAINING VON ALTENA'S RELEASE. ALTENA HAD BEEN TRYING TO ASSIST GERMANS TO ESCAPE FROM EAST GERMAN TYRANNY AND THEREFORE DESERVED ALL HELP POSSIBLE.

IN VIEW OF ONCKEN'S COMMENTS, WE BELIEVE THE WAY IS CLEAR TO REACH AN UNDERSTANDING ON THE CASE DIRECTLY WITH THE SENAT. WE THEREFORE SUGGEST THAT USBER HANDLE THE MATTER IN BERLIN. WE HAVE INFORMED THE BRITISH AND FRENCH EMBASSIES OF THE LATEST DEVELOPMENTS. THEY AGREED THAT SINCE THE SENAT IS DIRECTLY RESPONSIBLE, TRIPARTITE CONSULTATION CAN BEST BE CENTERED IN BERLIN. GP-3. MCGHEE

ACTION TAKEN:	
<input checked="" type="checkbox"/>	NO ACTION REQUIRED
DATE	11/21
INITIALS	<i>[Signature]</i>

317/15/2/88

CONF

Pol 29

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Authority NND 67230
By BKT/NC on 2 May 2013

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATE OF AMERICA

VAN ALTENA

CROSS-REFERENCE SHEET

DOCUMENT FILE

NOTE

SEE *Pol 23-10* FOR *tel 619*

Lawyers -
FROM *Berlin* () DATED *11-19-64*
TO *Bonn* NAME

REGARDING: *Release of Van Altena
if E. W. Bee, Lawyer Exchange
in effect.*

TELEGRAM

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Charge:

Classification

Control: 113

Date: 18 Nov. 1964
2:00 P.M.

ACTION: SecState WASHINGTON 711

INFO: Amembassy BONN 618

SUBJ: John van Altena

This document consists of 2 pages.
Copy No. 7 of 15 copies. Series A.

- REF:
- A. Berlintel 666 to Dept., 580 to Bonn
 - B. Bomntel 1888 to Dept., 560 to Berlin
 - C. Berlintel 709 to Dept., 616 to Bonn

Von Winterfeld informed Mission November 17 that East Germans would now release van Altena if East-West Berlin lawyers' exchange were worked out. (Under exchange, small number of East Berlin lawyers, including Kaul, would be permitted to practice in West Berlin courts, and vice versa. Scheme has been hanging fire for over year, presumably because of Senat and FRG reluctance to accept political odium involved in letting Kaul back into West Berlin.) According Winterfeld, proposal which he raised (reftel A) for van Altena release in return partial lifting of ban on Kaul, enabling latter use Tempelhof, has now been abandoned.

Winterfeld said he discussed prospects for lawyers' exchange with Senat chief of chancery (Spangenberg) November 17, and feels that so far as Senat concerned, there are hopes of moving forward quickly. Winterfeld was not so sure of FRG Government attitude to exchange. He is in touch with CDU Bundestag deputy Max Guede on

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Control: 113

-2-

Date:

matter (he and Guede have apparently worked closely on previous East-West German prisoner deals), and said he (Winterfeld) expects to be in Berlin at beginning next week for further consultation with Senat (and Mission).

Mission intends November 19 or 20 to inquire of Senat (at GovMayor level) regarding their intentions on lawyers' exchange and will at same time inform local British and French of new basis proposed for van Altena release and request their views. (We already asked British and French for their views re partial lifting of Kaul ban, but have not so far had reply.)

Embassy may wish consider further discussion with Germans, British, and French re lawyer exchange (and removing Kaul from list of "undesirable persons"), with view to expediting efforts obtain van Altena release. We gather (reftel B) that FRG favors lawyer exchange, British Embassy possibly reluctant to rescind ban on Kaul entirely, and French Embassy non-committal.

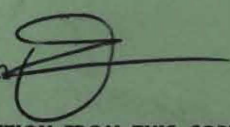
Mission will brief Alperovitz generally on latest developments prior his departure November 19 from Berlin (reftel C).

GP-3.

113/15/2/sc

EAS:FJMeehan:eo
18 November 1330

CALHOUN

AUTH:FJMeehan 

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Control: 109

Date: 16 Nov. 1964
8:00 P.M.

ACTION: SecState WASHINGTON 709

INFO: Amembassy BONN 616

SUBJ: John van Altena

This document consists of 2 pages.
Copy 7 of 14 copies, series A.

REF: Deptel 1306 to Bonn, 360 to Berlin

Mission has briefed Alperovitz fully on status van Altena case on confidential basis. He has been told (1) of offer of deal conveyed by von Winterfeld re partial lifting of ban on Kaul, (2) that initial soundings with Allies and Germans in Bonn indicate that we may be able to go ahead shortly with a reply to deal offer, and (3) that Mission is about to approach British and French here, and Senat. Political delicacy of Kaul case for Senat, and background of lawyers' exchange deal between East and West Berlin were also explained.

Alperovitz expressed thanks for briefing, and asked if he could do anything useful in case, for example, by approach to Senat or Winterfeld. We dissuaded him from approaching latter, and said we would be in better position to advise him re possible approach to Senat after we had ourselves taken initiative there. We also explained difficulties which would arise in any efforts on Alperovitz's part to see van Altena in prison.

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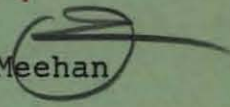
Alperovitz seemed satisfied that nothing could usefully be done on this score.

Alperovitz will be in Berlin until Thursday. Mission will be in touch with him during this time and will brief him on status of case prior his departure.

Alperovitz asked that Department pass message to Senator Nelson's office to effect that he has had thorough consultation with Mission on case, will be in further touch with Mission during his stay, for time being believes that no further action on his part is considered desirable, and will report further on case to Senator's office when he is in Western Europe.

GP-3.

CALHOUN 

AUTH: FJMeehan 

EAS:FJMeehan:eo
16 November 1800

109/14/2/sc

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By BKT/NC on 2 May 2013

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INFO:
UNSEC
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TOL 2
USCOB
ASAG
IO/U
F&R

FROM: BONN
NO: 560 - NOVEMBER 13 - 7PM

Recd: November 14, 196
1720 HOURS

ACTION PRIORITY BERLIN 560 INFO PRIORITY DEPT 1888

P R I O R I T Y

SUBJECT: JOHN VAN ALTENA

REF: DEPARTMENT'S 1383 TO BONN; 379 TO BERLIN

AT THE NOVEMBER 12 QUADRIpartite MEETING, THE US REPRESENTATIVE PROVIDED THE UK, FRENCH, AND FRG REPRESENTATIVES WITH A BRIEF BACKGROUND OF THE VAN ALTENA - VON WINTERFELD - KAUL PROBLEM, AND ASKED FOR THE INFORMAL VIEWS OF OUR ALLIES PRIOR TO OUR PROCEEDING WITH THESE CASES. SPECIFICALLY, THE US REPRESENTATIVE ASKED WHETHER THE BRITISH AND FRENCH MIGHT BE PREPARED TO AGREE TO RESCIND THE AK ORDER AGAINST KAUL, OR AT LEAST PERMIT HIM TO TRANSIT WEST BERLIN TO REACH TEMPELHOF OR TEGEL AIRPORTS, AND WHETHER THE FRG WOULD HAVE RESERVATIONS ON SUCH ACTION. THE US REPRESENTATIVE ALSO ENQUIRED AS TO WHETHER THE FRG REPRESENTATIVE KNEW ANYTHING ABOUT VON WINTERFELD'S BACKGROUND.

DR. ONCKEN OF THE FOREIGN OFFICE INDICATED THAT HE DID NOT KNOW VON WINTERFELD PERSONALLY, BUT THAT GENERALLY HE HAD A REPUTATION AS A RELIABLE GO-BETWEEN WITH THE COMMUNISTS, AND THAT HE HAD SUCCEEDED IN GETTING SEVERAL PEOPLE OUT OF EAST GERMANY. ONCKEN THEN OFFERED WHAT HE CALLED "HIS PERSONAL OPINION AS A PLAIN GERMAN CITIZEN" OF THE ENTIRE CASE. HE INDICATED THAT THE FIRST PRIORITY IN ALL SUCH CASES WAS TO GET THE CAPTIVE OUT OF COMMUNIST HANDS. VAN ALTENA'S RELEASE SHOULD HAVE FIRST PRIORITY. ONCKEN THEN SAID HE HOPED THAT IT MIGHT BE POSSIBLE TO RESCIND THE ORDER AGAINST KAUL WITHIN THE CONTEXT OF RE-OPENING THE ENTIRE EXCHANGE OF LAWYERS ISSUE. EVEN IF THIS WERE NOT POSSIBLE, ONCKEN INDICATED HE WOULD STILL FAVOR GIVING KAUL PERMISSION TO TRANSIT BERLIN AND TRAVEL TO FRANKFURT TO ATTEND THE AUSCHWITZ TRIALS. INDEED, THE AUSCHWITZ FEATURE OF THE CASE SHOULD BE EMPHASIZED TO MINIMIZE THE BLACKMAIL ASPECT.

THE UK REPRESENTATIVE ASSOCIATED HIMSELF WITH DR. ONCKEN'S PRESENTATION. HE SUGGESTED THAT HIS GOVERNMENT WOULD PROBABLY PREFER TO RESCIND THE ORDER ON KAUL ONLY IN CONNECTION WITH HIS ATTENDANCE AT THE AUSCHWITZ TRIAL IN FRANKFURT. THE FRENCH REPRESENTATIVE WAS NON-COMMITAL, BUT DID NOT OPPOSE THE VIEWS EXPRESSED BY THE FRG, UK OR US REPRESENTATIVES.

236/taf

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COMMENTS AND RECOMMENDATIONS.

THE FOREGOING SEEMS TO CLEAR THE WAY FOR PROCEEDING ALONG THE LINES OF THE DEPT'S SUGGESTED COURSE OF ACTION (REFTEL). THIS WILL INVOLVE SEVERAL SEPARATE STEPS, THE DIRECTION OF WHICH SHOULD BE LEFT TO USBER.

WE AGREE WITH THE DEPT THAT IT WOULD BE PREFERABLE TO LIMIT THE CONCESSION TO LETTING KAUL TRANSIT TO TEMPELHOE-TEGEL. THERE IS ALSO MERIT IN ONCKEN'S TWO SUGGESTIONS: FIRST, TO MINIMIZE THE IMPUTATION OF BLACKMAIL BY EXPLAINING THE CONCESSION IN TERMS OF FACILITATING HIS TRAVEL TO THE AUSCHWITZ TRIAL (ONCKEN SAID "WE WILL FACILITATE HIS TRAVEL SO LONG AS HIS PURPOSE IS TO HELP PROSECUTE SCOUNDRELS WHO ARE WORSE THAN HE IS") AND, SECOND, TO KEEP THE CONCESSION LIMITED SO THAT A TOTAL LIFTING OF THE BAN CAN STILL PROVIDE LEVERAGE FOR A LAWYER EXCHANGE.

AN OFFER OF TRANSIT PRIVILEGES LIMITED TO THE PERIOD OF THE AUSCHWITZ TRIAL MIGHT NOT BE SUFFICIENT TO OBTAIN VON ALTENA'S RELEASE. IT MIGHT THEREFORE BE PREFERABLE TO AVOID A SPECIFIC TIME LIMIT BUT AT THE SAME TIME MAKE THE RELATIONSHIP BETWEEN THE TRANSIT PRIVILEGE AND THE AUSCHWITZ ATTENDANCE EXPLICIT, BOTH IN THE TALKS TO KAUL AND IN WHATEVER ORDERS ARE ISSUED TO ACCOMPLISH IT. THIS WOULD PROVIDE A BASIS FOR LATER ACTION EITHER IF KAUL ABUSES THE PRIVILEGE AND WE WISH TO CORRECT HIM, OR IF WE OR THE SENAT WISH TO BROADEN THE PRIVILEGE AS A BARGAINING POINT, IN CONNECTION WITH AN EXCHANGE OF LAWYERS, FOR EXAMPLE.

WE BELIEVE FURTHER ACTION ON THE CASE, WITH APPROPRIATE CONSULTATIONS AMONG THE ALLIES AND SENAT, CAN NOW SHIFT BACK TO BERLIN. WE DO NOT EXPECT ANY FURTHER CLEARANCE TROUBLES FROM THE FRG OR THE BRITISH, AND HOPE THAT THEY WILL NOT ARISE WITH THE FRENCH. IF THEY DO, WE SHALL HANDLE THEM HERE AS QUICKLY AS POSSIBLE.

GP-3.

MCGHEE

ACTION TAKEN:
 NO ACTION
REQUIRED

 DATE _____
INITIALS _____

11/16

TELEGRAM

Foreign Service of the
United States of America

15/gk

INCOMING

US MISSION BERLIN

POL 29

ACTION EA3 DECLASSIFIED
INFO Authority NND 67230
MIL 3 By BKT/NC on 2 May 2013
AMB

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COPIY NB-1

Control: 139

Recd: NOV 12, 1964
8AM

USCOB
POL2 FROM: DEPARTMENT
USIS
ECON NO : 379 NOV 11, NOON
IC

ASG ACTION PRIORITY BONN 1383 INFO PRIORITY BERLIN 379, NOVEMBER
F&R 11, NOON

BERLIN'S 666, INFO BONN 580

SUBJECT: JOHN VAN ALTEMA

DEPT IS DOUBTFUL AS TO WHETHER, GIVEN PUBLIC RELATIONS ASPECTS, SENAT OR FRG WILL WANT TO TAKE INITIATIVE ON KAUL, ESPECIALLY WHEN STRICTLY US INTEREST IS INVOLVED. EVEN IF THEY DO SO, IN CONTEXT VAN ALTEMA CASE, US INITIATIVE WILL BE APPARENT.

IN LIGHT OF HUMANITARIAN ASPECT DEPT BELIEVES US SHOULD TAKE INITIATIVE ON LIFTING BAN ON KAUL TO PERMIT TRAVEL THROUGH US SECTOR TO AND FROM TEMPELHOF RATHER THAN LEAVE IT TO GERMANS. FURTHER, WHILE LEGAL PROCEDURES SAME, ULTIMATE EFFECT OF KAUL TRANSITING WEST BERLIN BASICALLY DIFFERENT FROM UNRESTRICTED ENTRY. SUCH RESTRICTED ENTRY NEED NOT AFFECT EAST-WEST BERLIN LAWYER EXCHANGE PROPOSAL.

THERE ARE NUMBER OF RECENT CASES WHERE FEDREP HAS ACCEPTED UNPALATABLE CONDITIONS TO OBTAIN RELEASE OF PRISONERS IN EAST AND PUBLIC HAS GENERALLY BEEN SYMPATHETIC TO THESE EFFORTS.

IN LIGHT ABOVE WE THINK EMBASSY SHOULD CONSIDER DESIRABILITY RAISING KAUL QUID PRO QUO ON URGENT BASIS BOTH WITH ALLIES AND GERMANS.

GP-3. RUSK

ACTION TAKEN:

NO ACTION
REQUIRED

DATE

REASONS

11/12

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Poc ~~39~~

14

INCOMING

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ACTION:
EAS 3

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Authority NND 67230

By BKT/NC on 2 May 2013

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Control: 129

INFO:

MIN 3

AMB

POL 2

ESCOB

CONS

ASAG

DO/U

T&R

FROM: DEPARTMENT

Recd: November 11, 1964
1200 HOURS

NO: 371 - NOVEMBER 9 - 5PM

ACTION BERLIN 371 INFO FRANKFURT 550 BONN 1351

DEPTEL 360

FORD-MEEHAN TELCON, NOVEMBER 9

SUBJ: JOHN VAN ALTENA

SENATOR NELSON'S OFFICE REPORTS GAR ALPEROVITZ ALREADY IN
FRANKFURT AND DOES NOT KNOW WHETHER HE WISHES SEE WINTERFELD.
MISSION MAY BE ABLE TO ESTABLISH THIS FACT BY TELEPHONING
CONGEN FRANKFURT.

ALPEROVITZ SCHEDULED ARRIVE BERLIN PAA 668 NOVEMBER 15 AT
1605.

GP-5.

BALL

ACTION TAKEN:
Called CONGEN F'FT (MELBY) 11/13; 1145 TO CONFIRM AIR SCHEDULE. MELBY will call BACK.
<input checked="" type="checkbox"/> NO ACTION REQUIRED
DATE 11/13
INITIALS [Signature]

129/taf

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13/5

OUTGOING

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COPY NO. 1

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~~SECRET~~*Classification*

Control: 49

Date: November 10, 1964
2000 HOURSMIN 3
USCOB
EAS 3
POL 2
ESAG
IO/U
AMB
F&R

Charge:

ACTION: SecState WASH PRIORITY 666

INFO: Amembassy BONN 580

SUBJ: John van Altena

REF: A) Deptel 1296 to Bonn, 358 to Berlin
B) Ford (GER) - Meehan (USBER) Telecon of Nov 9

Von Winterfeld called at Mission Nov 10. He said that question of authorization from US Govt was no longer an issue. He did not respond to suggestion made to him previously (in accordance ref A) that US authorities might inform FRG Govt that we had no objection to his arranging legal protection for van Altena. Question of authorization or some form of statement to FRG may therefore be considered closed for present.

Winterfeld said he had talked with East (presumably Kaul) over weekend. He could say that van Altena would be released immediately if ban on Kaul's entry to West Berlin were lifted. Winterfeld added that van Altena would be released even if ban on Kaul only partially lifted, in sense he would be permitted to travel through US Sector to and from Tempelhof. Clarifying latter proposal, Winterfeld said Kaul heavily inconvenienced at present by fact he has to drive to Frankfurt/Main to take

49/taf

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Classification

Control: 49

-2-

Date:

part in Auschwitz trial. If ban partially lifted, Kaul would be able fly to and fro between Berlin and Frankfurt.

Winterfeld said he would be meeting Kaul Nov 11 at Helmstedt to discuss case. He asked what he might tell Kaul of US views. Winterfeld also mentioned that he hoped to see West Berlin Senat representative later Nov 10 on Kaul. In addition, he said that he had taken steps to ascertain views of British Embassy Bonn re lifting ban on Kaul.

Mission officer said he was unable to give Winterfeld any kind of official instructions re his meeting with Kaul. Questions raised by Winterfeld re Kaul were complicated. A number of interests, Allied and German, were involved. Mission officer said he would report Winterfeld's suggestions and hoped to be in touch with him before long. Meantime, so far as meeting with Kaul was concerned, best course might be simply to keep matter open and play for time until proposals could be studied. Winterfeld said he would take this line with Kaul.

Comment: It is now clear that, as was suggested in earlier Mission messages, van Altena case is being used by East to try to crack ban on Kaul. Germans/^(Senat in consultation with Bonn Govt) have been considering lifting

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-3-

Date:

ban for long time in connection various proposals to permit small number of East lawyers to practice in West Berlin courts and vice versa. Matter is hot political issue because of Kaul's notoriety in West Berlin. We suspect that neither West Berlin Senat nor FRG authorities wish take on themselves responsibility for lifting ban. Senat Chancery Chief (Spangenberg) informed us today that from Senat viewpoint, Kaul case was "inactive," and matter under consideration in Bonn. While Germans apparently reluctant to move on case because of political implications, they would probably not object -- indeed they might welcome it -- ~~raise major objections~~ if we were to take initiative on matter. This, however, is precisely where, in Mission view, danger lies. ~~We consider it highly undesirable that we should take~~ ^{obtain lifting of} ~~initiative to lift ban on Kaul~~ Fact that we had done so sooner would/would or later become widely known, and we would incur considerable public criticism.

So far as political aspects are concerned, there is no real distinction between two proposals made by Winterfeld, that is as between complete and partial lifting of ban on

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-4-

Date:

Kaul. Either step would require tripartite Allied action. Partial lifting of ban to enable Kaul to use Tempelhof would be used as basis from which to press for total lifting of ban. Adverse publicity would center on US initiative in matter.

Mission recommends against our taking any initiative with ~~Germany~~ ^{Senat} to have ban lifted. At same time we believe that it would be useful to explore with Germans in Bonn what prospects are that they might ^{urge Senat to} move on issue. If ~~they~~ ^{this} were done, ^{Allies} ~~Germany~~ ^{Allied} could probably agree to lifting of ban without difficulty and, hopefully, we could work van Altena into arrangement.

Re suggestion made ref B re possible approach to Sovs at protocol officer level in Berlin, we believe that such step at present juncture might tend to limit East German flexibility on case. At moment, East Germans are apparently willing to keep things open until Kaul matter explored. Possibly, if Russians introduced into case, East Germans might feel they had to play case straight and allow normal

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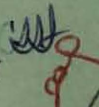
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Charge: _____ ~~SECRET~~ _____ Control: 49
Classification
-5- Date:

legal processes to run. This could have unfortunate effect.
We would therefore suggest that ^{de consideration of} approach to Sovs be held
in reserve at this stage pending indication from Germans
how they intend proceed on Kaul.

Mission is endeavoring clarify further exact status of
Winterfeld. So far as we aware, he is not overtly employed
by FRG authorities, although he apparently has close con-
nections in government circles. Mission will report further
information on this point as developed.

GP-3.

CALHOUN 

AUTH: FJMeehan 

10/1850 NOVEMBER
EAS:FJMeehan:em

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12

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Poc 29

ACTION: Authority NND 67230
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Control: 52

INFO: FROM: DEPARTMENT
MIN 3
USCOB NO: 360 - NOVEMBER 5 - 4PM
POL 2
ASAG ACTION BERLIN 360 INFO BONN 1306
IO/U
F&R REF: DEPTEL 344 TO BERLIN

Recd: November 6, 1964
0900 HOURS

SUBJECT: JOHN VAN ALTENA

DEPT HAS BEEN INFORMED THAT GAR ALPEROVITZ, LEGISLATIVE ASSISTANT TO SENATOR GAYLORD NELSON, (D. WISC.) WILL ARRIVE BERLIN BY AIR 1600 HOURS NOV 15. ALPEROVITZ PLANS CALL AT MISSION TO DISCUSS CASE JOHN VAN ALTENA, IN WHICH SENATOR INTERESTED.

OFFICE OF SENATOR NELSON ASKED WHETHER DEPT COULD ARRANGE FOR ALPEROVITZ VISIT VAN ALTENA IN EAST GERMAN PRISON. DEPT EXPLAINED THAT ALPEROVITZ, WHO IS HOLDER OFFICIAL PASSPORT AND CAN BE REGARDED AS GOVT OFFICIAL CANNOT RPT CANNOT DEAL WITH EAST GERMAN OFFICIALS. ALSO INDICATED THAT VISIT PROBABLY WOULD NOT BE PERMITTED BY EAST GERMANS IN ANY EVENT. SENATOR'S OFFICE SAID ALPEROVITZ WOULD LIKE MISSION BRIEFING ON CASE AND CURRENT ASSESSMENT HIS CHANCES FOR RELEASE.

MISSION REQUESTED MEET AND ASSIT ALPEROVITZ TO FULLEST EXTENT POSSIBLE. BRIEFING SHOULD INCLUDE INFORMATION ON CONFIDENTIAL BASIS OF EFFORTS OBTAIN LEGAL COUNSEL FOR VAN ALTENA. PRACTICAL DIFFICULTIES VIS-A-VIS EAST GERMAN REGIME SHOULD BE STRESSED.

ALPEROVITZ BOOKED HOTEL BERLIN.

RUSK

ACTION TAKEN:

*Dept
Hafter*

NO ACTION
52/taf REQUIRED

DATE
INITIALS

11/16

[Signature]

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11

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EA-3 By BKT/NC on 2 May 2013

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Control: 39

Poc 29

INFO:
MIN 3
USCOB
ASAG
IO/U
CONS
F&R

FROM: DEPARTMENT
NO: 358 - NOVEMBER 4 - 7PM

Recd: November 5, 1964
0900 hrs

ACTION BERLIN 358 INFO BONN 1296

SUBJ: JOHN VAN ALTENA

RE BERLIN'S 633.

DEPT CONCURS MISSION RECOMMENDATION NOT RPT NOT GIVE WINTERFELD
POWER OF ATTORNEY OR OTHER TYPE OFFICIAL AUTHORIZATION. NO LEGAL
BASIS FOR SUCH ACTION PART USG.

SUBJECT TO EMBASSY CONCURRENCE HOWEVER, MISSION MAY WISH
CONSIDER TELLING WINTERFELD THAT OUR EMBASSY BONN WILLING GIVE
VERBAL ASSURANCE TO FONOFF THAT USG HAS NO OBJECTIONS TO HIS
ARRANGING LEGAL PROTECTION VAN ALTENA. MISSION SHOULD NOT RPT NOT
PROVIDE WINTERFELD WITH ANYTHING IN WRITING ON THIS MATTER.

GP -3.

RUSK

ACTION TAKEN: Called Bonn (Blumbeck) on 11-4
<input type="checkbox"/> NO ACTION REQUIRED
DATE <u>11/4</u>
INITIALS <u>B</u>

39/taf

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3/gk
16

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Control: 10 *Pol 29*

Charge:

Date: NOV 3, 1964
6PM

ACTION: SecState WASHINGTON ⁶³³

INFO: Amembassy BONN ⁵⁵⁸

SUBJ: John van Altena

REF: Berlintel 610 to Dept., 536 to Bonn

E-43
MIN3
USCOB
POL2
USIS
IO
ASG
F&R
CON

Mission received letter from von Winterfeld November 2 reporting on further contacts which he has had with Kaul. Winterfeld states inter alia that it appears probable that van Altena will be released in foreseeable future, if Mission provides Winterfeld with formal power of attorney. If it does not, case will probably come to trial. Winterfeld further states that if Mission gave power of attorney, fact would be kept secret by East German authorities. He proposes that text of power of attorney include following:

"Winterfeld.....is authorized to arrange legal protection for van Altena in appropriate negotiations, and to carry out efforts with the object of van Altena's release."

Winterfeld declares that he would not regard such authorization as basis for fee.

Winterfeld has subsequently informed Mission that he will

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Control: 10

-2-

Date:

call on Friday for reply, since he expects to have further contacts with Kaul by weekend.

Comment: So far as is known, Winterfeld has not sent copy of his letter to Mission to van Altena family. However, it seems reasonable to suppose that family will learn sooner or later of his request for official power of attorney.

On face of it, Winterfeld proposal might seem worth pursuing. Mission is not asked to authorize him to negotiate specifically with East German authorities. He also disclaims fee. However, Mission fears that case would not develop as simply as he suggests. We believe that if we were to give Winterfeld official authorization, East would present conditions for van Altena release, involving us in potentially long and complex negotiations. Specifically, we might become involved in pressures re Kaul status in West ~~XXX~~ Berlin (reftel). We do not see why East has interest in releasing van Altena as favor to Winterfeld (or us) without any strings attached, and we therefore doubt our official authorization alone would materially assist in ~~XXXXXXXX~~ release.

For above reasons, Mission recommends against issuing official authorization to Winterfeld. At same time, we recognize that there may be factors (family and eventually

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Control: 10

-3-

Date:

perhaps congressional pressure) which Dept. may wish to consider in reaching decision. Request we be advised by c.o.b. Thursday so as to be able to reply to Winterfeld.

Winterfeld has told Mission that he does not accept private cases, since he is FRG govt. lawyer. If Dept. concurs recommendation not to give Winterfeld official authorization, ^{of course} it is possible that he (and Kaul) may drop case altogether. In ~~XXXX~~ this event van Altena would presumably obtain court appointed defense attorney.

GP-3.

cell
HULICK

[Signature]
AUTH: FJMeehan

EAS:FJMeehan:eo
3 November 1515

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*Pol 29
Van Altena*

16/gk

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Classification

Control: 166

Date: ~~NOV~~ NOV 2, 1964
1:05PM

ACTION: SecState WASHINGTON 621

INFO: Amembassy BONN 547

SUBJ: John van Altena

REF: Ford (GER)-Meehan (USBER) October 30 telecon

EA3
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CON
F&R

In response to press queries October 30, Mission confirmed that van Altena arrested in East Berlin October 10, gave family address in U.S., stated Mission endeavoring investigate circumstances of arrest. We did not say that van Altena arrested while trying to help East Berliners escape to West, although press is already speculating in this sense.

Also in response to press queries, Mission confirmed that Roy Nelson Jacobs was released from East Berlin shortly before van Altena arrest. We said that there was no connection between two cases. We also stated that we did not repeat not know reasons for Jacobs' arrest, and were unaware his present whereabouts or plans. (So far as we know, Jacobs is still in West Berlin.)

U.S. wire services and West Berlin press carried short

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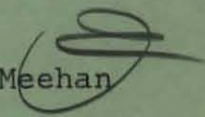
-2-

Date:

stories on van Altena and Jacobs October 30-31.

GP-4.

HULICK

AUTH: FJMeehan 

EAS:FJMeehan:eo
31 OCTOBER

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15/1

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POL 29

ACTION: DECLASSIFIED
 +AS-3 Authority NND 67230
 INFO: By BKT/NC on 2 May 2013
 USCOB
 M-3
 ECON
 POL 12
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 ASAG
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 CONS
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Control: 344

Recd: 31 OCT. 1964
11:45 A.M.

FROM: DEPARTMENT
 NO: 344 - 30 OCTOBER 1964, 6:00 P.M.
 ACTION BERLIN 344 INFO BONN 1255
 SUBJ: JOHN VAN ALTENA

AS RESULT UPI AND AP TICKER ITEMS FROM BERLIN STATING THAT VAN ALTENA ARRESTED BY EAST GERMAN AUTHORITIES EARLIER THIS MONTH WITH REASONS NOT KNOWN, AND QUOTING AMERICAN MISSION SPOKESMAN TO THIS EFFECT, QUESTION RAISED HERE AT DAILY PRESS BKIEFING. QUESTIONER ASKED WHETHER ANY COMMENT TO PRESS REPORTS THAT AN AMERICAN SOLDIER ARRESTED BECAUSE HE ALLEGEDLY HELPED REFUGEES. DEPT SPOKESMAN REPLIED HE HAD NO COMMENT BUT HAD INFORMATION THAT PERSON INVOLVED AN AMERICAN BY NAME OF JOHN VAN ALTENA AND THAT WE INFORMED HE WAS ARRESTED BY EAST GERMAN AUTHORITIES. SPOKESMAN CONTINUED THAT VAN ALTENA RESIDENT OF HAMBURG AND EMPLOYEE OF LUFTHANSA THERE, HIS FAMILY IN MILTON JUNCTION, WISCONSIN INFORMED AND THAT THEY ARE TAKING STEPS TO SECURE LEGAL ASSISTANCE FOR HIM. NOTED THAT AS IS CUSTOMARY THESE CASES, OUR MISSION IN BERLIN GIVING CLOSE ATTENTION TO CASE. WHEN ASKED WHETHER ANY CHARGE AGAINST HIM, SPOKESMAN SAID HE DID NOT KNOW WHAT CHARGE IS OR WHETHER IT HAS BEEN SPECIFIED. (THIS DENIAL OF KNOWLEDGE OF CHARGE MADE AS AP PRESS REPORTS INDICATED THAT MISSION BERLIN HAD SAID REASON FOR ARREST NOT KNOWN.)

RUSK

344/15/1/sc

ACTION TAKEN:

NO ACTION REQUIRED

DATE 10/31

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ACTION: Authority NND 67230.

EAS 3 By BKT/NC on 2 May 2013

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Control: 333

INFO: FROM: DEPARTMENT

Recd: October 30, 1964
0915 HOURS

MIN 3 NO: 335 - OCTOBER 29 - 4PM

CONS ACTION BERLIN 335 INFO BONN 1232

F&R

SUBJ: JOHN VAN ALTENA

BERLIN'S 610, OCTOBER 28, 1964.

FOLLOWING NOTIFICATION THAT VOGEL COULD NOT TAKE CASE, VAN ALTENA FAMILY ADVISED SPECIAL CONSULAR SERVICES THAT FAMILY WOULD ATTEMPT ENGAGE SERVICES OF PROFESSOR RINCK TO REPRESENT JOHN VAN ALTENA FOR PURPOSE DEALING WITH EAST GERMAN AUTHORITIES. EVIDENTLY JOHN VAN ALTENA HAD BECOME PERSONALLY ACQUAINTED WITH RINCK BEFORE HIS ARREST AND HAD WRITTEN HIS FAMILY ABOUT RINCK. DESPITE RECOMMENDATION MISSION (SEE BERLINTEL 582) THAT WEST BERLIN ATTORNSPROBABLY NOT ADVISABLE THIS CASE, DEP BELIEVED (?) WEVED VAN ALTENA FAMILY SHOULD BE ENCOURAGED MAKE ANYMENTEERQ PRIVATE LEGAL ARRANGEMENT WHICH OFFERED ANY PROSPECT PROVIDING JOHN PROPER COUNSEL. *Annex HWT*

DEPARTMENT AWARE PROBLEM POSED BY KAUL AND CONCURS IN MISSION ASSESSMENT HOW RINCK-WINTERFELD-KAUL RELATIONSHIP SHOULD BE HANDLED. WHILE MISSION SHOULD STAY IN TOUCH WITH WINTERFELD, IT SHOULD BE WARY ANY INVOLVEMENT IN CASE WHICH MIGHT BE INTERPRETED AS OFFICIAL DEALING WITH KAUL.

DEPARTMENT WILL EXPLAIN PROBLEM TO VAN ALTENA FAMILY AND STATE THAT MISSION WILL OF COURSE BE READY TO ASSIST QUOTE WHEREVER POSSIBLE UNQUOTE. FAMILY WILL BE TOLD THAT, DUE PRIVATE NATURE LEGAL ARRANGEMENT, THEY SHOULD CORRESPOND WITH RINCK AND WINTERFELD RATHER THAN THROUGH DEPARTMENT. GP-4

ACTION TAKEN:

NO ACTION REQUIRED

DATE 10/30

INITIALS [Signature]

BALL

333/taf

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8/gk

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POL 29

Charge:

Classification

Control: 149

ACTION: SecState WASH 610

Date: OCT 28, 1964
6PM

INFO: Amembassy BONN 536

This document consists of 3 pages
Number 1 of 9 copies, Series AEA3
MIN3
CON
F&RSUBJECT: John van Altena

Ref: Berlintel 582 to Dept, 514 to Bonn

Mission was approached Oct 27 by Achim von Winterfeld,

IO/O
USCOB
ASAG
Mr. Shaver

Hannover lawyer who has close connections with FRG government, on van Altena case. Winterfeld showed Mission officer a letter which he had received from Gerd Rinck, law professor at Goettingen University, asking him on behalf of van Altena's father to "represent John's interests in every respect." Mission is uninformed as to background of van Altena family approach to Rinck and would be grateful for any information Dept may be able to provide. (Rinck letter to Winterfeld refers to fact van Altena family has been in touch with Office of Special Consular Services.)

Winterfeld asked Mission to give him written authorization from US Govt to represent van Altena for purpose of dealing with East German authorities. He was told that Mission unable to provide such authorization. US Govt had not retained lawyers in cases of Americans detained in East Germany. Families of detainees had hired lawyers privately.

Winterfeld inquired whether family would wish to employ services of East Berlin lawyer Friedrich Karl Kaul (with whom

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149

-2-

Date:

he is known to have close connections). Mission officer said he had no information on this point. Winterfeld said he would be in touch soon with family, and he will presumably ask whether parents intend retain Kaul. Winterfeld has indicated that he believes that Kaul may be able to bring about van Altena's release, possibly before case comes to trial. Conceivably, payment of "ransom" by family would be involved. He may so inform family also.

As Dept aware, Kaul is used extensively by East German regime for political purposes. At request of West Berlin Senat, after Wall, Allies put Kaul on list of undesirable East Germans not permitted entry into West Berlin. In discussing van Altena case with Winterfeld, Kaul mentioned his interest in persuading US authorities to use their influence to have him removed from list of undesirables. It is, therefore, more than likely that Kaul, if retained by van Altena family, would attempt to use case for his own purposes which are not merely private but have political content affecting relationships between Allies and West Berlin Senat. In addition, ⁱⁿ view Kaul's official status as spokesman of East German regime, it would be undesirable for Mission to

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-3-

Date:

establish direct contact with him such as we have had in past with Vogel in other US prisoner cases. (Vogel is not, so far as is known, SED member, nor has he been used by regime for overt political purposes).

Dept may wish to provide family with background on Kaul based on above. While Mission does not rpt not believe that US Govt should tell family that it should not rpt not hire Kaul -- he may be in best position to do something for van Altena -- we believe that we should make clear at outset that we would not be able on political grounds to maintain contact with Kaul on case. Family would be dependent on Winterfeld and latter's relations with Kaul. Mission would, however, be able to stay in touch with Winterfeld.

GP-3.

CH
HULICK

AUTH: *FJMeehan*

EAS:FJMeehan:em
28/1325 OCTOBER

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CONS
F&R 2

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Control: 114

Date: October 20, 1964
1615 HOURS

Pol 29

ACTION: SecState WASH 582

INFO: Amembassy BONN 514

SUBJECT: John van Altena

Ref: Dept tel 306 to Berlin, 1097 to Bonn

Of three attorneys listed Berlin A-75 as indicating interest in accepting East Berlin cases, one has now said that he cannot. Other two indicate they would have to work through corresponding attorney in East Berlin. They would almost certainly not be able to represent client in court.

Mission would not repeat not recommend that family try to engage West Berlin attorney on this basis. Considerable expense would be involved, and we doubt that attorney would be able to do much more than stay in touch with corresponding attorney in East Berlin. We would hope that Mission will be able to maintain contact with court-appointed attorney with Vogel's assistance, even though latter does not intend accept case himself.

While court-appointed attorney will probably not sound very reassuring proposition to family, there is no real practical alternative. Since case is "political," role of defense attorney is

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Control: 114

-2-

Date:

in any case ~~probably~~ largely formality.

GP-4.

JAC
per
cell
CALHOUN

AUTH: FJMeehan

Coordinated: CONS - Mr. Blucker
(substance)

EAS:FJMeehan:em
20/1310

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FILE ROOM COPY

Control: 111

Date: October 20, 1964
1530 HOURS

ACTION: AmConsul HAMBURG 07

INFO: SecState WASH 578
AmEmbassy BONN 511

SUBJECT: John van Altena

REFERENCE: Hamburgtel 90 Dept., 48 Bonn

Mission requests (by pouch) copy of Klosz interview
with Hamburg police.

GP-4

CALHOUN

*JAC
per
cost*

AUTH: FJMeehan

EAS:FJMeehan:pag
20/1000 OCTOBER

111/taf

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16/gk

INCOMING

U.S. MISSION BERLIN

Poc 29 FM

DECLASSIFIED

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ACTI N L-3
INFO
MIN3
USOB
POL2
ECON
USIS
IO
ASG
CON
P&R

Authority NND 67230

By BKT/NC on 2 May 2013

Classification

Van Alton
Control:

200

Recd: OCT 17, 1964
8AM

FROM: HAMBURG

NO: 4 - OCTOBER 15 - 6PM

ACTION BERLIN FOUR INFO DEPT 90 BONN 48

REF: BERLIN'S TEL 4; SENT DEPT 545 BONN 487.

WERNER KLOSZ, FRIEND WHO HELPED PLAN AND EXECUTE ESCAPE BARBEL RABE AND CHIGD SABRINE TODAY TOLD ENTIRE STORY TO HAMBURG POLICE IN PRESENG CONSULAR OFFICER. COPY OF INTERVIEW CAN BE FORWARDED IF DESIRED, ALTHOUGH MOST FACTS IN IT BELIEVD REPORTED TO BERLIN. KLOSZ FURTHER STATED ON OCT 12 HE APPEALED TO JUGENDAUSSCHUSZ FREIHEITLICHER JURISTEN WHO SENT HIM TO DR. ALNRED MUSILED (PHONETIC SPEELING) UHNLANDSTRASSE 138, BERLIN. MUSILED WILL ATTEMPT TO SEE MRS. RABE ON 10TH DAY AFTER HER ARREST NAMELY OCT. 20 AND WILL REPORT TO CLOSZ. NO RPT NO INDICATION ANY OTHER AMERICAN INVOLVED IN ESCAPE ATTEMPT.

2 00

GP-4.

ACTION TAKEN:

MZR: ARX

TEL dropped

NO ACTION REQUIRED

DATE: *10/19*

INITIALS: *[Signature]*

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15/1

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FM

Pol 29

ACTION: DECLASSIFIED
EAS-3 Authority NND 67230
By BKT/NC on 2 May 2013

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Classification

Control: 190

Recd: October 16, 1964
1015 hrs

INFO: USCOB FROM: DEPARTMENT

M-3 POL-2 NO: 306 - OCTOBER 15 - 7PM

ECON USIS ACTION BERLIN 306 INFO BONN 1097

ASAG IO/U BERLIN'S 563; BERLIN'S A-75, JULY 30

F&R
CON

REQUEST MISSION'S VIEWS ON POSSIBILITY RECOMMENDING THAT VAN
ALTENA FAMILY SEEK SERVICES SOME OTHER ATTORNEY AS ALTERNATIVE
TO VOGEL. SEVERAL ATTORNEYS WHOSE NAMES APPEAR BERLIN LIST
ATTORNEYS (SEE REFERENCE AIRGRAM) INDICATE THAT THEY WILL HANDLE
CASES IN EAST BERLIN, BUT OF COURSE NO ASSESSMENT THEIR
EFFECTIVENESS INCLUDED.

DEPT IS SUGGESTING TO FAMILY THAT VAN ALTENA'S MAIL BE SENT THROUGH
MISSION.

GP-4

RUSK

ACTION TAKEN:

Tel to Dept

NO ACTION
REQUIRED

DATE 10/21/64

INITIALS 79m/AM

190/jm

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15/2

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Classification

Charge:

Control:

91

Date:

OCT 15, 1964

ACTION: SecState WASH 563

INFO: Amembassy BONN 501
Amconsul HAMBURG 5

SUBJECT: John van Altena

REFERENCE: Berlintel 545 to Dept., 487 to Bonn, 04 to Hamburg

EA3
MIN3
USCO
POL2
USIS
ECON
CON
IO
ASG
F&R

East Berlin attorney Wolfgang Vogel has confirmed that van Altena is imprisoned in East Berlin on charge of attempting smuggle East Berlin woman and child to West Berlin in his car. Only new factor re escape attempt introduced by Vogel is suggestion (attributed by Vogel to East German security authorities) that van Altena might have taken part for financial gain. Vogel indicated that he was inclined to doubt this, but he did not say why. Vogel also described escape attempt as "amateurish."

Vogel estimates on basis past experience that investigative arrest will last at least two months, with trial occurring toward end of year. He said he does not intend to accept case because of difficulties he has experienced with American cases in past. This connection, he mentioned James B. Donovan account of Vogel role in his book on Powers-Abel case, and fact that Gabriele Hammerstein preferred formal charges of theft against him with West Berlin authorities. In response to request, Vogel said that he would

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Control: 91

2

Date:

nevertheless keep an eye on van Altena case and let Mission know of developments. He assumed van Altena would be given court-appointed attorney.

Request ConGen Hamburg interview Werner Kloss to develop further information on background of escape attempt, including question whether van Altena acting for money.

Mission has received no press queries to date.

Comment: Van Altena is one of more serious American cases since Wall. He was caught with escapees in his car. Mann and Loba, by contrast, were only involved in carrying identity documents intended to be used in escapes which never got started. Sentence may be correspondingly severe. In view recent mass tunnel escape and shooting of border guard, East German authorities' mood at moment is probably punitive, although this may wear off somewhat in interval before trial.

Department may wish to suggest to family that they send mail for van Altena in care of Mission. We will try to arrange for delivery to prison through Vogel.

GP-4

CALHOUN

AUTH: FJMeehan

15/1720 OCTOBER

EAS:FJMeehan:pag

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Authority NND 67230

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Control:

70

Date: Oct 12, 1964
6PM

ACTION: SecState WASH 545

INFO: Amembassy BONN 487
Amconsul HAMBURG 4

EA3
USCOB
MIN3
AMB
POL2
USIS
IO
ASG
F&R
C&W

SUBJECT: Reported Arrest of US Citizen in East Berlin

Ref: Berlintel 539 to Dept, 483 to Bonn, 03 to Hamburg

West Berlin police report provides following additional information re van Altena detention.

Van Altena was trying to help German national, Werner Kloss, 16 Rumpffsweg, Hamburg 26, to bring latter's cousin, Baerbel Raabe, and her child to West Berlin. Van Altena and Kloss drove into East Berlin at different checkpoints late afternoon Oct 10, met in East Berlin, concealed woman and child separated to in van Altena's car, then/drive back through different checkpoints to West Berlin. Above information provided by Kloss, who returned safely to West Berlin.

3 PM

As of ~~XXXX~~ Oct 12, Mission had not yet received any press queries on case.

GP-4.

Cleared: USIS - Mr. Haupt
for *JR*

CALHOUN *red*

AUTH: FJMeehan *[Signature]*

EAS:FJMeehan:em
12/1230 OCTOBER

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Control: 00062

Date: Oct 11, 1964

ACTION: SecState WASH 539

INFO: Amembassy BONN 483
Amconsul HAMBURG 03

SUBJECT: Reported Arrest of US Citizen in East Berlin

EA3
MIN3
AMB
IO
POL2
ASG
ECON
CON
F&R

According West Berlin police report, US citizen John van Altena, aged 20, employee of German airline Lufthansa, address 138 Erdkampsweg, Hamburg-Fuhlsbuettel, was taken into custody by East German border guards October 10 about 10 p.m.. Van Altena apparently attempted to bring East Berlin woman and child to West Berlin concealed in his car (license 918 Z 330). East German guards discovered would-be escapees during car inspection at Friedrichstrasse crossing-point (Checkpoint Charlie).

Mission has heard that van Altena is from Wisconsin, but we have no further details. Request ConGen Hamburg verify information contained police report re van Altena residence and provide addressees any available information re US address and family.

Local press (US and German) has not yet queried Mission on case, but police information will likely reach press before long. If queried, Mission intends to say that we have report that American was taken into custody, and that report is being

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Control: 00062

-2-

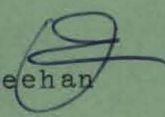
Date:

investigated. We will not volunteer name or details of incident, but will confirm name if press already has it. If Dept is able locate van Altena family, suggest they be informed of report that van Altena taken into custody lest they first learn of incident from press.

Mission plans to get in touch with East Berlin attorney Vogel as soon as possible and ask him to check whether any US citizen detained.

GP-4.

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